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46TH CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { Ex. Doc. No. 52.

EAST FLORIDA CLAIMS.

MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

IN RELATION TO

The unsettled claims of Spanish inhabitants of East Florida during the years 1812 *and* 1813.

MARCH 3, 1880.—Referred to the Committee on Foreign Affairs and ordered to be printed.

To the Senate and House of Representatives:

I deem it proper to invite the attention of Congress to the subject of the unsettled claims of Spanish inhabitants of East Florida during the years of 1812 and 1813, generally known as the "East Florida claims," the settlement of which is provided for by a stipulation found in Article IX of the treaty of February, 1819, between the United States and Spain.

The provision of the treaty in question, which relates to the subject, is the following: "The United States will cause satisfaction to be made for the injuries, if any, which by process of law shall be established to have been suffered by the Spanish officers and individual Spanish inhabitants by the late operations of the American Army in Florida."

The act of Congress of the 3d of March, 1823 (Statutes at Large, vol. 3, p. 768), to carry into effect the ninth article of the treaty in question, provided for the examination and judicial ascertainment of the claims by the judges of the superior courts established at Saint Augustine and Pensacola, and also made provision for the payment by the Secretary of the Treasury of such claims as might be reported to him by the said judges, upon his being satisfied that such claims were just and equitable, and a subsequent act, approved the 26th of June, 1834 (Statutes at Large, vol. 6, p. 569), gave further directions for the payment, and also provided for the hearing and determination, by the judge of the superior court of Saint Augustine, of such claims as had not then been already heard and determined. Under these acts of Congress I understand that all claims presented to the judges in Florida were passed upon and the result of the proceedings thus had reported to the Secretary of the Treasury. It also appears that in the computation of damages the judges adopted a rule of five per centum per annum on the ascertained actual loss from the date of that loss to the time of the rendition of their finding, and that the Secretary of the Treasury in 1836, when the first reports were presented to him, not deeming this portion of the claims, covered

by the five per cent. rule, just and equitable within the meaning of the treaty and the acts of Congress, refused to pay it, but did continue to pay the ascertained amounts of actual loss. The demand for payment of this rejected item has been pressed at various times and in various ways, up to the present time, but Mr. Woodbury's successors in the Treasury Department have not felt at liberty to review that ruling. Under these circumstances, I have thought it proper to lay the subject before Congress for its consideration and such action as may be deemed necessary. The history of the proceedings already had in regard to the matter is of record in the Treasury Department, and will be furnished by the Secretary of the Treasury should Congress desire it.

R. B. HAYES.

WASHINGTON, *March* 1, 1880.

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46TH CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { Ex. DOC. No. 53.

PLEURO-PNEUMONIA IN NEAT CATTLE.

LETTER

FROM

THE SECRETARY OF THE TREASURY,

RELATIVE TO

Pleuro-pneumonia, or lung plague, in neat cattle.

FEBRUARY 20, 1880.—Referred to the Committee on Agriculture.
MARCH 4, 1880.—Recommitted to the Committee on Agriculture and ordered to be printed.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., February 19, 1880.

Hon. SAMUEL J. RANDALL,
Speaker House of Representatives:

SIR: The Department of the Treasury has been long embarrassed with several questions arising from the prevalence of the disease known as pleuro-pneumonia, or lung plague, in neat cattle. These questions relate: (1) to the extinction and prevention of the disease in the United States; (2) to our commerce with nations beyond the seas, especially with Great Britain; (3) to our trade in cattle with the Dominion of Canada.

With a view to such legislation as circumstances may seem to require, it seems proper at this time to submit to Congress some brief remarks upon the nature of the disease in question, the history of its prevalence in other countries and the United States, with a statement of the provisions of law now in force and of the various orders issued by this department relating to it, and some suggestions as to what measures may be properly enacted by Congress for the suppression and prevention of the disease.

Pleuro-pneumonia, or, as it is usually called in England, lung plague, appears to be a malignant contagious lung fever in neat cattle, communicated by contagion from excretions from the bowels, kidneys, skin, and lungs of other neat cattle. It has never originated in this country, all cases of it having been clearly traced to foreign sources.

Neat cattle are subject to pneumonia or common lung fever originating in them, as in man, from exposure to cold or similar causes, which is not contagious, and this disease is sometimes confounded with the true pleuro-pneumonia. A disease also prevails in Texas known as the "Texas

fever," sometimes as the Spanish or splenic fever, which, although it is bad enough, is not in the strictest sense of the terms either contagious or infectious. In Texas, it is said, cattle of all ages are afflicted with this malady in a somewhat latent and mild form. It is communicated to other cattle by feeding upon the ground over which the Texas cattle have been driven. This disease, though sometimes destructive, has no symptoms in common with pleuro-pneumonia, from which it may readily be distinguished.

THE DISEASE IN OTHER COUNTRIES.

Pleuro-pneumonia is indigenous in Asia, and first appeared in Europe, into which it was introduced from Eastern Russia, at the end of the 17th century; until at the beginning of the present century outbreaks were occurring every few years over all parts of the continent.

According to the statement of Rev. Daniel Lindsey, a missionary in South Africa, before a legislative committee of Massachusetts in 1860, the disease was introduced into South Africa about 1854 by importation of a bull from Holland. The wealth of the inhabitants of that country consists in cattle and sheep, and herds of cattle numbering from five hundred to fifteen hundred wander over large tracts. The disease had spread through these herds in about six years over twelve hundred miles. The disease had become so general that there was no possibility of suppressing it by slaughter of the animals exposed, and inoculation was generally resorted to, and had brought it somewhat under subjection.

The disease first entered Holland in 1833. It was imported into Ireland, where the losses by the disease have been enormous, between 1839 and 1841, with some Dutch cattle, and appeared in Scotland in 1843. At about the same time it was committing great ravages in England. All the large towns containing dairy cows suffered, especially in the neighborhood of the large cities—London, Manchester, Birmingham, and Liverpool. It is stated that the losses by pleuro-pneumonia during the past twenty-seven years have amounted to as much as ten millions of dollars per annum in the United Kingdom of Great Britain and Ireland. It is doubtful whether the disease has ever entirely disappeared in that country.

The disease was imported into Australia in 1858, by the importation of a short-horn English cow. It soon spread to the open country, and the mortality increased at an alarming rate. "Vigorous measures," says Dr. Law, "for its suppression were adopted; thousands of infected or diseased cattle were slaughtered, but all proved of no avail. Not only were the free, roaming herds infected, but so many places were contaminated that it was soon perceived that help from this source was not to be expected. Destroy a whole infected herd, and you still left the infection in the station, from which, in its unfenced state, other herds could not be excluded, and where they were certain to take in the germs of the malady. After enormous losses had been sustained by the combined operations of the pest and pole-ax, it was concluded that the remedy was worse than the disease, and the colonists reluctantly fell back on the expedient of inoculation."

From England and Holland the disease was propagated in 1847 and 1848 in Sweden and Denmark.

THE DISEASE IN THE UNITED STATES.

The first notice of pleuro-pneumonia in the United States was in 1843, when a German cow imported direct from Europe and taken into

a cattle-shed in Brooklyn, N. Y., communicated the disease which has prevailed, more or less, in King's County, Long Island, ever since.

In 1847 the disease appeared in Delaware, imported in cattle from England by Mr. Thomas Richardson, and his whole stock, valued at $10,000, was slaughtered to prevent the spread of the disease.

The disease appeared in Delaware in 1861, and for three years prior to 1870 its ravages were quite extensive in the District of Columbia and adjacent parts of Maryland and Virginia.

In 1859 the disease was imported by Mr. Chenery, of Belmont, Mass., into that commonwealth. An extra session of the legislature was called to take measures to eradicate the disease, and a commission was appointed with full power to slaughter all cattle which had been exposed. After the slaughter of some 1,200 animals in addition to those which died of the disease, it was apparently exterminated. In 1863, however, Mr. Flint, secretary of the board of agriculture, in a letter to Governor Andrew, stated that the disease still existed in twelve or fifteen towns in Massachusetts.

From the report of the Pennsylvania board of agriculture for September, October, and November, 1873, it appears that during that year 27 herds of cattle, including 408 animals, had been quarantined on account of the disease, and the greater part of them slaughtered. The disease seems to have been limited to six counties on the east of the Alleghenys; and was traced to cattle bought in the Baltimore, New York, and Philadelphia markets.

Cases of the disease have appeared, from time to time, in the State of New York, especially near the seaboard; but the legislature of that State and the efficient action of its commissioners have in every instance promptly prevented the spread of the disease by extermination of all cattle infected or exposed.

This statement as to the history of the disease in America is taken mainly from Professor Gamgee's report to the Commissioner of Agriculture, published in 1871.

A letter addressed by the Commissioner of Agriculture to the chairman of the Senate Committee on Agriculture, on the 14th of February, 1879, states that the disease had prevailed during the previous summer in Burlington County, New Jersey, where it had also been prevalent for some years; that it had existed along the Potomac for a distance of about 45 miles in the years 1877 and 1878; that it had prevailed in Baltimore County, Maryland, for 12 or 15 years; that the report of the New Jersey board of agriculture for 1876 showed that 19 different herds of cattle suffered from this disease in Burlington County of that State during that year. In the same paper it is stated that Professor Gadsden, of Philadelphia, who had recently made an examination of infected and deceased cattle on Long Island, wrote, under date of January 29, 1879, that the contagious disease known as pleuro-pneumonia then existed to a frightful extent among the cows near Brooklyn, Long Island.

It is important to observe that in all the reports to which reference has been made there is no indication whatever that a single case of pleuro-pneumonia has ever existed in any State west of the Allegheny Mountains. The importance of this point will be seen when we enter upon the discussion of the proper restrictions upon the trade in cattle between this country and the Dominion of Canada.

PREVENTION OF THE DISEASE.

Early in the year 1879 the department received information that pluro-pneumonia had appeared in Hull and other parts of England.

Hull is a port on the northeastern coast of England, between which and New York a regular line of steamers plies, touching at Southampton, where cattle from the Channel Islands are taken on board and brought to the United States; and the department was strongly urged by the secretary of the New York Agricultural Society and others, to take precautions against the importation of infected cattle from that quarter. By a letter of February 10, 1879, from Mr. Packard, our consul at Liverpool, and by extracts from the London Times it appeared that pleuro-pneumonia had broken out in dairies near Liverpool, and that several cows had been then slaughtered by order of the privy council. It was in consequence of this information that an order of this department of February 26th, 1879, prohibiting the landing of cattle imported from England was issued.

In this connection it is proper to allude to the statement, widely published in this country and Great Britain, that certain cattle shipped from Portland, Maine, early in the year 1879, by the "Ontario," had been found to be diseased with pleuro-pneumonia on their arrival at Liverpool, and were condemned to be slaughtered. It was stated in the London Times that of one hundred and ninety-seven cattle landed at Liverpool by the "Ontario," all had been slaughtered, and thirteen of the number found to be infected. Upon inquiry it has been found that this shipment consisted of two herds, one said to have been from the West, and one from Canada. From the best evidence to be obtained, however, it is quite clear that these cattle were not infected with contagious pleuro-pneumonia, but only with common pneumonia, which is not contagious.

In a letter from Andrew Smith, dated Ontario Veterinary College, Toronto, March 7, 1879, speaking of the cattle shipped by the steamer "Ontario," he says:

> Prof. Williams, of Edinburgh, who is justly recognized as one of the first pathologists of the day, had an opportunity to see over a hundred of these cattle slaughtered, and saw almost all of the deceased ones. He maintains that the cattle were only suffering from sporadic pneumonia, the result of exposure during a long and stormy voyage; but states that the changes in the lung tissues were very different from those which take place in contagious pleuro-pneumonia.

Mr. J. B. Sherman, superintendent of the Chicago Union Stock Yards, under date of February 4, 1879, says:

> The most important blow struck at the interests of this city, State, and the Northwest, is the report in circulation relative to the prevalence of the cattle disease in the Northwest; and these reports are absolutely false.

From the most reliable information that can be obtained it is safe to conclude that no case of contagious pleuro-pneumonia was carried from the Western States to Liverpool by the Ontario; and further, that no case of such disease has ever existed in the Northwestern States.

In considering what measures are necessary for the prevention of this disease, it is necessary always to bear in mind one fact with regard to it, namely, that it has a period of incubation, varying probably from ten to sixty days. Animals exposed to the disease have sometimes developed symptoms of it in as short a period as nine or ten days, while others exposed in a like manner have developed no symptoms of the disease for nearly sixty days.

In a series of experiments carefully conducted in France in 1851, where diseased animals were distributed among healthy ones, symptoms of the disease were manifested by the healthy animals in from nine to fifty-seven days after exposure, about twenty per cent. of them escaping contagion altogether.

It does not follow, however, from the fact that symptoms of the disease first appeared in the healthy animals so long after their first exposure that the disease lay dormant in them during all that period, because it is evident that many of them may not have contracted the disease at all until they had been exposed to it during a long period. Again, in cases where cattle have been on shipboard fifty or sixty days and the disease attracted no attention until the close of the voyage, it cannot be inferred that the disease had not developed itself long before, because it is evident that cattle would not be subject to such careful inspection on board ship as would lead to the detection of the early symptoms. Indeed, in the case of Chenery's cattle imported into Massachusetts from Holland, two of them were in such a condition of weakness that they were unable to walk when landed from the ship, and were carried on wagons some six or eight miles to their destination. By the order of the privy council of England forty days seems to be regarded as the usual period of incubation of pleuro-pneumonia.

INOCULATION AS A PREVENTIVE.

Allusion has already been made to the practice of inoculation as a preventive of the pleuro-pneumonia as practiced in South Africa and in Australia. There seems to be no doubt that all cattle are, in general, subject to the disease in question, but that inoculation is a preventive to the disease in its natural form.

Professor Gamgee gives some experiments made by Dr. Willems in Belgium in 1850–'51. They are interesting as bearing upon several important points. In those experiments inoculation was introduced at the tip of the tail of the neat cattle, and it was found that symptoms of the disease were usually manifested, in the first group of observations, in from nine to eleven days. In another group of observations no symptoms of the disease were manifested until from twenty-two to twenty-seven days after the inoculation, thus indicating that there is no regular limit to the incubation of the disease.

Dr. Willems also, in the years 1851–'52, performed various experiments on animals of different species with a view to ascertaining whether any animals except neat cattle could be infected by the disease. Among the animals subjected to these experiments were rabbits, pea-fowls, chickens, dogs, goats, sheep, and pigs. None of the animals thus treated showed any signs of the disease; and one of the conclusions of Dr. Willems is that the bovine race alone is infected by inoculation with this disease, while other animals of other races inoculated with the same liquid experienced no ill effects.

A recent statement has appeared in the newspapers that more than twenty thousand cattle have perished by pleuro-pneumonia in the Island of Mauritius, and that more than a hundred deer had been infected by the same disease. It may be observed that no deer were included in the list of animals subjected to experiment by inoculation by Dr. Willems. While there is no sufficient evidence that other animals except neat cattle are subject to the pleuro-pneumonia, it is evident that there is great danger that the disease may be conveyed mechanically in the fleece of sheep, as it is known to be conveyed in the bedding, and by the executions of neat cattle; and as it also communicated by the stalls and cars in which diseased cattle have been kept. It is safe to conclude that this disease is as contagious and infectious as small-pox, and transmissible in the same manner among animals as that disease is among mankind.

From the experiments of Dr. Willems and from the extensive prac-

tice of inoculation in South Africa and Australia, it is fair to conclude that inoculation is a preventive of the disease in its natural form; but the objections to it are so many and so grave that the practice of it cannot be advised in this country under present conditions.

"The great objection to inoculation," says a writer already quoted, "is that it can only be practiced at the expense of a universal diffusion of the poison, and of its maintenance in a state of constant activity and growth. With such a universal diffusion of the virus, the stock-owners are virtually debarred from introducing any new stock for improving the native breeds, or infusing new vigor or stamina, inasmuch as such new arrivals would almost certainly fall early victims to the plague. Australia, therefore, now suffers from the permanent incubus of the lung plague, and can only import high class cattle at great risk."

In dairy regions, where the lands are inclosed and cattle are kept under daily supervision, it might be possible to make use of inoculation as the preventive, but not where the disease has broken over all bounds, and become general in a considerable section of country. Such, however, is not the case, and it is hoped never will be in any part of the United States; and inoculation is not to be regarded as any part of the remedy at present to be considered.

VALUE OF NEAT CATTLE AND OF THE CATTLE TRADE.

It is estimated that there were in the United States, in 1879, something more than 33,000,000 of neat cattle, valued at more than $586,000,000. It is difficult to estimate the loss that would ensue by the prevalence of the pleuro-pneumonia throughout our country. It would evidently far exceed the present value of all the neat cattle of the country, because it would impair the productive capacity of the country for all future time.

In the article already cited, Dr. Law says:

Thus England, with her 6,000,000 head of cattle, has lost in deaths alone from lung fever in the course of forty years over $500,000,000. We, therefore, with our 28,000,000, should lose not less than $2,000,000,000 in the same length of time, allowing still a wide margin for the lower average value per head in America; and this terrible drain is for deaths alone, without counting all the expenses of deteriorated health in the survivors, of produce lost, of loss of progeny, of loss of fodder no longer safe to feed to cattle, of diminished harvests for lack of cultivation and manure, of quarantine and separate attendants whenever new stock is brought on a farm, of cleansing and disinfection of sheds and buildings, &c., which become absolutely essential in the circumstances.

In this view the general introduction of this disease throughout our country would impose a loss in forty years of an amount equal to that of the present national debt. With this danger imminent at the present time, it is the duty of every department of the government to exercise its powers in the prevention of so great a national calamity.

In this connection it may be proper to give a statement showing the improvement of our trade in neat cattle with other nations, and to call attention to its rapid increase within the past few years. The exports of horned cattle during the first five months of the current fiscal year, ending June 30, 1879, amounted to $4,414,000—being $517,182 in excess of the value of the same during the entire preceding year. Of the cattle exported in 1878, about 62 per cent. went to Great Britain.

The following table gives the number and value of cattle exported from this country from 1873 to 1880.

It is interesting to observe that notwithstanding the restrictions upon the introduction of cattle from the United States into Great Britain, the number and value of cattle thus introduced during the fiscal year ending June 30, 1879, were nearly three times as great as of those introduced in the fiscal year 1878.

Statement showing the number and value of cattle exported from the United States to the United Kingdom and all other countries from July 1, 1872, *to December* 31, 1879.

Fiscal years ended June 30—	United Kingdom.		All other countries.		Total.	
	Number.	*Dollars.*	*Number.*	*Dollars.*	*Number.*	*Dollars.*
1873	.....	.....	35, 455	695, 957	35, 455	695, 957
1874	123	113, 800	55, 944	1, 037, 057	56, 067	1, 150, 857
1875	110	73, 000	57, 101	1, 030, 085	57, 211	1, 103, 085
1876	244	31, 220	51, 349	1, 079, 483	51, 593	1, 110, 703
1877	5, 091	546, 829	44, 910	1, 046, 251	50, 001	1, 593, 080
1878	24, 982	2, 408, 843	55, 058	1, 487, 975	80, 040	3, 896, 818
1879	71, 794	6, 616, 114	64, 926	1, 763, 086	136, 720	8, 379, 200
Six months ended Dec. 31—						
1879	45, 556	4, 144, 304	32, 020	827, 028	77, 576	4, 971, 332

JOSEPH NIMMO, JR.,
Chief of Bureau.

TREASURY DEPARTMENT, BUREAU OF STATISTICS,
February 13, 1880.

These figures by no means show the full value of our unobstructed trade in neat cattle with foreign nations. Great Britain has suffered so much and so long from the pleuro-pneumonia that she is compelled to adopt stringent measures to prevent its introduction into her territory. Those measures consist at present of orders that cattle shall be slaughtered at or near her principal ports of entry. The British Government has established at the ports "lairs" where animals can be safely housed, and slaughter-pens sufficiently extensive to accommodate the business.

Great complaints have been made by American exporters of cattle to England of these restrictions on the part of the British Government. It is hardly just, however, while no effective measures are adopted in the United States to even systematically ascertain the extent of the cattle disease in this country, and much less to adopt efficient measures for its suppression, to complain that the British Government adopts effective means to prevent the spread of the disease in that country.

The principal export of cattle to Great Britain has been heretofore and perhaps will continue to be of fatted cattle intended for immediate slaughter, and the injury to this branch of traffic by the restrictions referred to is by no means fatal. It is believed, however, that in future an extensive trade in what are known as store or lean cattle, intended to be driven inland in Great Britain and there fattened for the market, will naturally grow up if the traffic be unrestricted by such orders as now exist for the slaughter of cattle at the ports of importation. The British Government, as well as our own, is deeply interested in this question and appears to be disposed to encourage the trade in question so far as may be consistent with its own safety. Indeed, much correspondence has occurred between the British minister and the Department of State upon this subject.

In a letter of January 24, 1880, referring to the correspondence with regard to the recognition of certificates issued by customs officers of the United States, which has been referred to this department, the British minister says:

> I venture to hope, however, in the interest both of Great Britain and of the United States, that Congress will, in its wisdom, pass such laws as may have the effect of obliterating the disease in this country, even if it be at the expense of a considerable outlay, though but a trifle compared with the loss of property which would arise from the continuance and spread of this destructive disease.

EXISTING LAWS AND REGULATIONS ON THE SUBJECT.

The only authority which any of the departments of this government has to deal with the disease in question is found in sections 2493, 2494, 2495, which are as follows:

SEC. 2493. The importation of neat cattle and the hides of neat cattle from any foreign country into the United States is prohibited: *Provided*, That the operation of this section shall be suspended as to any foreign country or countries, or any parts of such country or countries, whenever the Secretary of the Treasury shall officially determine, and give public notice thereof, that such importation will not tend to the introduction or spread of contagious or infectious diseases among the cattle of the United States; and the Secretary of the Treasury is hereby authorized and empowered, and it shall be his duty, to make all necessary orders and regulations to carry this law into effect, or to suspend the same as therein provided, and to send copies thereof to the proper officers in the United States, and to such officers or agents of the United States in foreign countries as he shall judge necessary.

SEC. 2494. The President of the United States, whenever in his judgment the importation of neat cattle and the hides of neat cattle may be made without danger of the introduction or spread of infectious or contagious disease among the cattle of the United States, may, by proclamation, declare the provisions of the preceding section to be inoperative, and the same shall be afterward inoperative and of no effect from and after thirty days from the date of said proclamation.

SEC. 2495. Any person convicted of a willful violation of any of the provisions of the two preceding sections, shall be fined not exceeding five hundred dollars, or imprisoned not exceeding one year, or both, in the discretion of the court.

Under these provisions it seems to have been assumed that the law conferred no authority upon the Secretary of the Treasury to make special orders in particular cases, or to impose any conditions whatever. Upon a critical examination of the provisions in question, under the present Secretary, it has been held that the power to suspend the prohibition of importation implies the power to suspend it upon proper conditions imposed by regulation; and it is under this construction that the annexed order of the department providing for a quarantine for cattle imported from foreign countries was issued. It will be seen by the explanation which will now be given of the orders issued by this department, that the Secretary has exercised to the fullest extent all authority vested in him by law for the suppression of pleuro-pneumonia.

On the 18th of December, 1878, a dispatch was received by cable from Liverpool, through the Department of State, stating that unless cattle shipped from the United States had a government health certificate when embarked, they would probably be slaughtered on landing: and suggesting that Minister Welch be cabled of an assurance that veterinary officers would be appointed at the seaports. Upon receipt of this dispatch the department issued an order to collectors of customs and others, authorizing the inspection of neat cattle proposed to be shipped to Great Britain, and the issuing of a certificate that such cattle were free from disease.

A copy of this order, marked A, is herewith transmitted.

On the 1st of February, 1879, a second order was issued modifying the order of December 18, 1878, and making inspection at the ports, which before had been voluntary only, compulsory in all cases. By the same order collectors of customs were requested to promptly forward to this department any information which they might be able to obtain of the presence of contagious or infectious diseases prevailing among live animals in their vicinity.

A copy of this order, marked B, is transmitted.

On the 26th of February, 1879, an order addressed to collectors of customs was issued, stating that the department had learned that pleuro-pneumonia had recently been found to exist among neat cattle at Hull,

England, and prohibiting the landing of neat cattle from England at ports of the United States until further orders.

A copy of this order, marked C, is transmitted.

This order was issued partly in consequence of a letter from the secretary of the New York Agricultural Society, addressed to the Secretary of the Treasury, calling attention to the fact that cattle from the Jersey Islands were brought to the United States frequently and in considerable numbers, by steamers sailing from the port of Hull, touching at Southampton, where they received cattle from the Channel Islands; and especially that the steamer Lepanto was to arrive from England at New York, bringing a herd of cattle from Southampton to be sold at auction in New York.

The department had also been informed that two herds of cattle, one being from the United States and the other from Canada, shipped from Portland by the Ontario, had been found to be diseased with pleuro-pneumonia on their arrival; and, further, that the Dominion of Canada by the order of February 6, 1879, had prohibited the importation of cattle into that dominion from the United States for a period of three months. This order, by an order of October 14, 1879, was made perpetual until dissolved and is now in force. A letter had also been received from Dr. Law, of the Brooklyn Board of Health, urging either the absolute prohibition of the importation of cattle from Europe, or of placing them in quarantine, as absolutely necessary for the protection of our country from the disease in question.

It was understood that there were companies in Philadelphia and New York, regularly engaged in importing cattle from the Channel Islands for sale at auction in those cities; and it was ascertained that by these auction sales cattle were distributed throughout all parts of the country.

On the 19th of July, 1879, the order prohibiting the importation of neat cattle from England was revoked, with the proviso—

> That all neat cattle from any part of Europe arriving at ports of the United States shall be kept in quarantine for not less than ninety days, under direction of the customs officers, and at the expense of the parties interested, except when State or municipal laws provide for a quarantine of such cattle, and in such cases collectors will permit the proper officers to quarantine them in such manner as the State or municipal authorities require.

The department in that order reserved the right to consider special cases, and to decide whether in such cases cattle might be delivered at a period shorter than ninety days. The reasons for issuing this order are obvious enough without explanation. The reason why an order for quarantine was not issued at an earlier period is that, as above stated, the provisions of the statute before cited had been construed to allow only the free importation or the utter prohibition of the importation of cattle from abroad. Under urgent representations from several quarters the question was reconsidered, and upon consultation with leading officers of other departments, the conclusion was adopted that the Secretary, under the provisions referred to, had, under the authority to prohibit or admit at his pleasure, the power to impose conditions upon the importation of cattle in the nature of quarantine regulations. The correctness of this construction may possibly admit of some doubt; and if Congress shall be of opinion that the Secretary has not the power to establish quarantine regulations, it is respectfully submitted that such authority should be given to him or some other department of the government, to do so.

A copy of this order, marked D, is transmitted.

On the 27th of December, 1879, this department published an order modifying the order of July 19, 1879 [Exhibit D], and requiring that in all cases a quarantine of not less than ninety days shall be enforced, including any term during which cattle shall be quarantined under State or municipal authority; and providing that cattle from Australia and New Zealand shall be regarded as embraced in the order of July 19, 1879.

It was found that under the order of July 19, which allowed State and municipal authorities to quarantine cattle according to their own regulations, a much shorter period than ninety days was often required. Under present regulations a quarantine of ninety days is required in all cases.

On the 3d of November, 1879, the department issued the following order:

To Collectors and other Officers of Customs:

To aid in preventing the introduction into the United States of contagious diseases among cattle, it is hereby ordered, that, in pursuance of the authority contained in section 2493 of the Revised Statutes, the importation of neat cattle from the Dominion of Canada is prohibited until otherwise directed.

This order will take effect on the first of December next.

A copy of this order, marked F, is transmitted.

It became necessary to issue this order, because it was found that after the publication of the order of July 19, imposing quarantine upon cattle imported directly into the United States, cattle were imported into Canadian ports and driven across the border into the United States, thus avoiding any quarantine whatever.

It may be proper to state in this connection that this department has been notified that, by an order of the privy council of Canada, issued on the 6th of December, 1879, a quarantine of foreign cattle imported into the Dominion of Canada of ninety days has been established. If it shall be found upon further inquiry that our opinion that no pleuro-pneumonia exists in Canada is correct, and that a quarantine at the ports of Canada is rigidly enforced, it is in contemplation by this department to rescind the order prohibiting the importation of cattle from Canada into the United States.

It is hoped that the purpose of this government to dispense with all restrictions upon the importation of cattle from Canada into the United States will be met with a corresponding purpose on the part of the Government of Canada to dispense with all restrictions upon importations of cattle from the United States into that dominion not absolutely necessary to its own protection.

This department is fully satisfied from reports under its order of February 1, 1879 [Exhibit B], and from other correspondence, and from careful inquiry of members of Congress and others, that contagious pleuro-pneumonia has never existed in any of our territory west of the Alleghany Mountains, and that the importation of cattle from the Western States, through Buffalo and points west of that port, into the Dominion of Canada can be attended with no danger of carrying infection into the Dominion of Canada.

It is hoped that arrangements may be made that the great line of traffic through the ports of Buffalo, Detroit, and Port Huron, over the Grand Trunk Railway through Canada, may be resumed. Extensive cattle-yards are in existence at Sarnia, the western terminus of the Grand Trunk Railway, from which cattle crossing from Port Huron were shipped upon that railway for transportation to the Atlantic coast for shipment abroad. That traffic is now entirely suspended by the Canadian order of non-importation. It is of great importance to the

United States, to the Dominion of Canada, and also to Great Britain. If proper regulations can be established by Congress, or otherwise, for security against infection at or near the ports of exportation, it is believed that the British Government will gladly rescind the order which now requires the immediate slaughter of cattle imported from the United States into Great Britain at the ports of importation, as already suggested.

With the removal of those restrictions a large exportation of store cattle from the United States to Great Britain might be made to the advantage of both countries.

Although many complaints were at first made of the order compelling immediate slaughter of cattle imported from the United States into Great Britain, a careful consideration of the position of both countries, with regard to the disease in question, leads to the conclusion that the order was made in perfect good faith to prevent importation of the disease, and not with any view to embarrass the traffic in neat cattle between the countries. The supposed importation of the pleuro-pneumonia by the Ontario, and the reports of the existence of the disease in several of the Atlantic States, furnished reasonable ground for the action of the British Government, and it is not doubted that the government will be as ready to rescind the restrictions upon the traffic as it was to impose them, whenever it is convinced that it may do so without danger of introducing the much-dreaded disease.

It is all important, not only with reference to our own protection but to our commerce with Great Britain in neat cattle, that effectual measures shall be taken by our own government to guard in general against the spread of the disease in this country, and in particular against its possible introduction into Great Britain, through the shipment of cattle from our own ports.

MEASURES TO PREVENT AND SUPPRESS THE DISEASE.

Among the measures suggested to prevent the spread of the pleuro-pneumonia, isolation of the infected cattle is naturally suggested. This method, however, has been, and no doubt will be, found to be entirely impracticable. The disease, as we have seen, is readily transmissible not only by contact with the diseased animals but by contact with buildings, hay, bedding, or excretions of any kind which have been in contact with diseased animals. Neat cattle are short lived, and when once infected by the disease in question, even if they recover, are of very small value either for breeding, for fattening, or for labor. Although a large percentage of the cattle diseased may apparently recover, yet, upon dissection, the lungs will be found to be seriously affected, so that it may be fairly said that cattle once infected with the disease are worthless for any purpose.

Added to this, isolation is very expensive, is attended with great risk to the neighborhood, and the infected herd must be always suspected, and therefore unsaleable. In no view can the isolation of the cattle be recommended further than for the mere purpose of ascertaining definitively whether or not the disease actually exists.

Inoculation is, as has been before stated, another method practiced in some countries to prevent the spread of the disease; but this has never been employed except in countries where the disease had broken through all restraint, and as a last resort to preserve sound cattle from the general infection which surrounds them. Besides the expense and inconvenience of the practice, it is often attended with the mutilation of the

cattle by the loss of their tails or otherwise, and sometimes by the loss of their lives. It is not to be thought of as a remedy under any conditions such as exist at the present time in this country.

The only effectual method of eradicating the disease is by prompt slaughter of all infected and exposed cattle. By this method, energetically administered, the disease has been thoroughly stamped out in several places in Massachusetts, New York, Pennsylvania, and other States. To effect this, however, prompt and energetic measures are requisite. Several States have adopted such measures, and are ready to prevent, to attack, and exterminate the disease wherever it may appear within their borders. Most States, however, have adopted no such measures; and it seems absolutely necessary that some measures should be adopted by the general government to prevent the prevalence of a disease, which, as we have seen, would amount to a national calamity. It is for Congress, and not for this department, to devise the measures necessary for this purpose. It may not be improper, however, to make some general suggestions upon the subject for the consideration of Congress.

The legislature of Massachusetts has recently sent to Congress a memorial requesting prompt action for the prevention and suppression of this disease; and from all quarters a cry is heard that it is time that the general government should intervene in the matter.

The most obvious method of meeting the emergency is, perhaps, the appointment of a veterinary sanitary commission, whose duty it shall be to promptly investigate all reported cases of pleuro-pneumonia in any part of the country, to collect information with regard to the disease from all parts of the world, and to report the results of their investigation to some department of the government for publication.

It would be necessary that such commission should be composed, principally at least, of veterinary surgeons or experts in the diseases of cattle. The commission might be small, consisting of from three to seven members, with authority to employ assistants or agents, who should be responsible directly to the commission. From such a commission, even with no greater powers than have been above indicated, much good might result. Owners of suspected herds and their neighbors would at once be informed whether the contagious disease was really present or not. If it were found to exist State and municipal authorities might be invoked for its suppession. If found not to exist, publication of that fact would be of very great value, not only to the suspected neighborhood, but to the country and world in general.

Going a step further, government might invest such commission with authority, in proper occasions, to aid municipal and State authorities in the suppression of the disease, and, by means of appropriation for the purpose, grant proper indemnity to the owners of cattle condemned to slaughter. Such proceedings would be in a close analogy with the methods adopted for the prevention and suppression of the yellow fever in the acts establishing the Board of Health.

Under the provision found in the third section of the act of June 2, 1879, entitled "An act to prevent introduction of contagious and infectious diseases into the United States," it is provided that—

> The National Board of Health shall co-operate with, and, so far as it lawfully may, aid State and municipal boards of health in the execution and enforcement of the rules and regulations of such boards to prevent the introduction of infectious or contagious diseases into the United States from foreign countries, and into one State from another.

It is understood that this act does not apply to diseases in animals.

Under this provision large amounts of the appropriation contained in

the act have been expended in co-operation with the authorities of several cities and States infected or threatened with infection by yellow fever; and it is not doubted that, through similar agencies, appropriations by Congress might be properly and effectually used for the prevention and suppression of pleuro-pneumonia among cattle.

As suggested by the British minister, the most obvious method of dealing with the disease would be by the appointment of a commission of some kind, with full power to prevent and eradicate the disease, in any manner they think proper, in any part of the territory of the United States—such power as is exercised by the privy council of Great Britain. Without expressing any opinion whether, under the power to regulate commerce, Congress has authority to send its agents into the States and destroy, upon the judgment of a commission, herds belonging to citizens, which may be found to be dangerous to inter-State or national commerce, it is somewhat doubtful whether measures apparently so arbitrary would meet with hearty co-operation from State or municipal authorities.

The disease is not in existence in any of our Western States or Territories. Indeed, it has existed and is known in only a few States of the Union; and the propriety of so energetic a movement on the part of the general government might not be appreciated in those States where the disease has not been known. Some scheme for the prevention and prompt eradication of the disease seems to be demanded, and it is for Congress to define the limits both of policy and legality in its enactment.

Inspection of cattle upon railway trains on our great line of transportation has been suggested as a precaution against the conveyance of the disease. The objections to this proposition are based upon the fact that contagious pleuro-pneumonia is not indigenous to this country, that it has never existed in our Western States, whence cattle found upon such lines of transportation are brought, and that therefore such inspection is unnecessary.

Again, the disease has an incubation of from 9 to 60 days, during which the seeds of the disease would not be obvious to any inspector, however skilled. The interest of all shippers of cattle is clearly against the shipment of cattle infected with this disease. The delay of trains for such inspection would be expensive, and would be a great obstruction to business. Such inspection, as a general proposition, is not recommended, while there is no practical objection to the inspection of cattle by authorized commissioners, in particular cases where the disease is reported to exist.

CONCLUSIONS.

Having thus given a brief sketch of the history and character of the disease, and a statement of existing laws, the orders of this department under them, with some suggestions as to the effect of the disease upon our commerce with other nations, and with some remarks as to appropriate legislation by Congress on the subject; it may be convenient to state in this place, in the form of propositions, the conclusions at which this department has arrived. They are as follows:

1. Pleuro-pneumonia is a contagious, infectious lung fever in neat cattle, as readily communicated among them as small-pox among mankind, not only by actual contact, but by excretions of all kinds.

2. In this country it has never developed *de novo*, but has always been introduced by contagion.

3. It may be prevented by inoculation; but that remedy is not to be thought of in this country under present conditions.

4. It has a period of incubation of from nine to sixty days, usually not exceeding forty; and its symptoms, when developed, are easily distinguishable by experts from those of other diseases.

5. The only proper method of suppressing the disease in the United States is by the destruction of all diseased or exposed cattle, and a thorough purification of buildings where they have been kept.

6. No contagious pleuro-pneumonia now exists or has ever existed in any State west of the Alleghany Mountains.

7. It does not now exist in the United States, on or near the boundary of the Dominion of Canada, and that it does not now exist in that dominion.

8. The disease now exists only in the eastern part of New York, in New Jersey, Pennsylvania, and perhaps in parts of Maryland, Virginia, and the District of Columbia.

9. The general course of traffic in cattle is from the West to the East. Only a few, and those of blood stock of great value, pass westward, or into Canada from the East.

10. At the present time, with ordinary care, cattle may pass from the Western States, which almost exclusively furnish cattle for exportation into Canada, and through Canada, Portland, and Boston to foreign ports, without danger of infection.

11. With proper restrictions against contact with other cattle near the seaboard, cattle may pass from the Western States to the ports of New York, Philadelphia, and Baltimore for exportation, without danger of infection.

12. State and municipal regulations are not to be relied upon to prevent the importation and spread of the disease, or to effect its extirpation.

13. Stringent quarantine regulations are essential to the protection of this country against its introduction.

14. A veterinary sanitary commission, whose duty it shall be to investigate all reports of the existence of the disease, to collect information respecting it, and report to some department for publication, is essential to efficient action on the subject.

15. Authority in such commission to co-operate with State and municipal authorities in preventing and eradicating the disease by supplying money out of appropriations by Congress for the purpose would be effective, and is in accordance with the acts of Congress in reference to the National Board of Health.

16. The authority in such board to promptly isolate and slaughter infected and diseased cattle, wherever found, and to award compensation to the owners, would be an effective agency to extirpate the disease. It is for Congress to consider the policy and legality of conferring such power.

Very respectfully,

JOHN SHERMAN,
Secretary.

EXHIBIT A.

CIRCULAR.—*Exportation of cattle to Great Britain.*

1878.
Department No. 139.
Secretary's Office.

TREASURY DEPARTMENT,
Washington, D. C., December 18, 1878.

To Collectors of Customs and others:

The following dispatch has been received by cable, through the Department of State, from Liverpool:

"Unless cattle shipped from United States have government health certificates when

embarked, slaughter probably compulsory on landing, paralyzing trade. Can you cable Welsh assurance appointment veterinary officers at sea-ports?"

You are authorized to cause an inspection to be made of all neat cattle proposed to be shipped from your port to Great Britain, and to issue your certificate that such cattle as shall be shipped are free from all disease, and that there is no known disease in cattle at your port, or in its neighborhood.

In States in which there are officers authorized by law to examine into the diseases of cattle, the collector may avail himself of their services, as the basis of his action, at the expense of the shippers.

Very respectfully,
By order.

H. F. FRENCH,
Assistant Secretary.

EXHIBIT B.

CIRCULAR.—*Information in regard to cattle diseases.*

1879.
Department No. 23.
Secretary's Office.

TREASURY DEPARTMENT,
Washington, D. C., February 1, 1879.

To the Collectors of Customs and others:

By department's circular of December 18, 1878, it was directed that live cattle shipped from the portsvarious of the United States might be examined with reference to the question whether they were free from contagious diseases, and that if found to be free from such diseases, a certificate to that effect should be given.

By that circular such inspection was not made compulsory, but the certificate was to be issued only upon the application of parties interested.

As the export trade in live cattle from the United States is of vital importance to large interests, every precaution should be taken to guard against the shipment of diseased animals abroad, and such a guarantee given as will satisfy foreign countries, especially Great Britain, that no risk will ensue from such shipments of communicating contagious or infectious diseases to the animals in foreign countries by shipments from the United States.

Collectors of customs are, therefore, instructed that in no case will live animals be permitted to be shipped from their respective ports until after an inspection of the animals with reference to their freedom from disease, and the issuance of a certificate showing that they are free from the class of diseases mentioned.

Notice of rejected cattle should be promptly given to this department.

In order that this department may be fully informed in regard to such diseases in any part of the United States, collectors of customs are requested to promptly forward to this department any information which they may be able to obtain of the presence of contagious or infectious diseases prevailing among live animals in their vicinity.

It is probable that if the disease prevails to any considerable extent it will be noticed in the local press, and collectors are requested to send copies of any such notices to this department for its information.

JOHN SHERMAN,
Secretary.

EXHIBIT C.

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, D. C., February 26, 1879.

SIR: The department learns that the disease called pleuro-pneumonia has recently broken out or been found to exist among neat cattle at Hull, England, and you are hereby instructed not to permit the landing of neat cattle at your port from England, until otherwise instructed, this order being based upon section 2493 of the Revised Statutes.

Very respectfully,

H. F. FRENCH,
Assistant Secretary.

COLLECTOR OF CUSTOMS,
New York.

EXHIBIT D.

CIRCULAR.—*Importation of neat cattle*

1879.
Department No. 126.
Secretary's Office.

TREASURY DEPARTMENT,
Washington, D. C., July 19, 1879

To Collectors of Customs and others:

The order of the 26th of February last, prohibiting the importation of neat cattle from England, is revoked.

By authority of section 2493 of the Revised Statutes, it is ordered: That the operation of the first clause of that section, which prohibits the importation of neat cattle from any foreign country into the United States, be suspended as to all ports of Europe, the Secretary having officially determined that such importation will not tend to the introduction or spread of contagious or infectious diseases among the cattle of the United States: *Provided*, That all neat cattle from any port of Europe arriving at any port of the United States shall be kept in quarantine for not less than ninety days, under the direction of the customs officers, and at the expense of the parties interested, except when State or municipal laws provide for the quarantine of such cattle, and in such cases collectors will permit the proper officers to quarantine them in such manner as the State or municipal authorities require.

The department will, upon application, consider special cases where it may be claimed, during such quarantine, that the cattle came from entirely healthy localities direct to the United States, and will decide in such cases whether they may be delivered at a period shorter than the ninety days before mentioned.

In any case where, during quarantine not under control of State or municipal authorities, the animals shall exhibit evidence of infectious or contagious disease, the facts will be reported to the department for instructions.

H. F. FRENCH,
Acting Secretary.

EXHIBIT F.

CIRCULAR.—*Prohibiting importation of neat cattle from Canada.*

1879.
Department No. 160.
Secretary's Office.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., November 3, 1879.

To Collectors and other Officers of the Customs:

To aid in preventing the introduction into the United States of contagious diseases among cattle, it is hereby ordered that, in pursuance of the authority contained in section 2493 of the Revised Statutes, the importation of neat cattle from the Dominion of Canada is prohibited until otherwise directed.

This order will take effect on the 1st of December next.

By order of the Secretary.

H. F. FRENCH,
Assistant Secretary.

EXHIBIT E.

CIRCULAR.—*Importation of neat cattle.*

1879.
Department No. 179.
Secretary's Office.

TREASURY DEPARTMENT,
Washington, D. C., December 27, 1879.

To Collectors of Customs and others:

The circular published in Decision No. 4104, of July 19, 1879, provided as follows:

"That all neat cattle from any port of Europe, arriving at any port of the United States, shall be kept in quarantine for not less than ninety days, under the direction of the customs officers, and at the expense of the parties interested, except when State or municipal laws provide for the quarantine of such cattle, and in such cases collectors will permit the proper officers to quarantine them in such manner as the State or municipal authorities require."

Collectors of customs are hereby instructed that in all cases a quarantine of not less han ninety days shall be enforced, including any term during which such cattle shall be quarantined under State or municipal authority.

Cattle from Australia and New Zealand will be regarded as embraced within Order No. 4104, as hereby amended.

H. F. FRENCH,
Assistant Secretary.

46TH CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { EX. DOC. No. 54.

VERMILLION RIVER AND OTHER WATERS IN LOUISIANA.

LETTER

FROM

THE SECRETARY OF WAR,

TRANSMITTING

Report of survey of Vermillion River and other waters in Louisiana.

MARCH 8, 1880.—Referred to the Committee on Commerce and ordered to be printed

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WAR DEPARTMENT,
Washington City, March 8, 1880.

The Secretary of War has the honor to transmit to the House of Representatives copies of reports of Maj. C. W. Howell, Corps of Engineers, of examinations and surveys, made in compliance with the provisions of the river and harbor act of June 3, 1879, of Vermillion River, of Bayous Courtableau, De Glaise, Terrebonne, and Teche, and of Tchefuncte, Tickfaw, and Amite rivers, Louisiana; and, also, in compliance with the requirements of joint resolution No. 19, of June 28, 1879, of the Charenton Canal, in Saint Mary's Parish, Louisiana.

ALEX. RAMSEY,
Secretary of War.

The SPEAKER
of the House of Representatives.

OFFICE OF THE CHIEF OF ENGINEERS,
UNITED STATES ARMY,
Washington, D. C., March 8, 1880.

SIR: I have the honor to submit herewith, to comply with provisions of the river and harbor act of March 3, 1879, copies of reports to this office from Maj. C. W. Howell, Corps of Engineers, of the results of examinations and surveys made under his direction of Vermillion River, of Bayous Courtableau, De Glaise, Terrebonne, and Teche, and of Tchefuncte, Tickfaw, and Amite rivers, Louisiana; and, also, in compliance with the requirements of joint resolution No. 19, of June 28, 1879, of the Charenton Canal, in Saint Mary's Parish, Louisiana.

Very respectfully, your obedient servant,

H. G. WRIGHT,
Chief of Engineers, Brig. and Bvt. Maj. Gen.

Hon. ALEXANDER RAMSEY,
Secretary of War.

EXAMINATION OF VERMILLION RIVER, LOUISIANA.

UNITED STATES ENGINEER OFFICE,
New Orleans, February 27, 1880.

GENERAL: I have the honor to submit herewith report of Assistant Engineer W. H. Hoffman of an examination of Vermillion River, Louisiana.

The act of Congress approved March 3, 1879, provides for a survey or examination of Bayou Vermillion, but as the stream is called Vermillion River on the maps of this State it is so termed by Mr. Hoffman in his report.

Tracings of a chart drawn to a scale of $\frac{1}{5000}$ will be forwarded in a separate package.

The recommendations of Mr. Hoffman as to plan of improvement are set forth in his report, and are concurred in. His estimates are also approved, the total amount of which, viz, $9,900, could be expended to advantage on the work during the ensuing fiscal year.

The work is not susceptible of permanent completion.

I am unable to furnish valuable information concerning the commercial importance of this work.

It is located in the collection-district of New Orleans.
The nearest light-house is at the entrance to Atchafalaya Bay.

Very respectfully, your obedient servant,

C. W. HOWELL,
Major of Engineers.

Brig. Gen. H. G. WRIGHT,
Chief of Engineers, U. S. A.

REPORT OF MR. W. H. HOFFMAN, ASSISTANT ENGINEER.

NEW ORLEANS, LA., *January* 31, 1880.

MAJOR: I have the honor to submit the following report on the examination of the Vermillion River:

A transit and stadia line was carried from Pin Hook bridge, which is the present head of navigation, to the mouth of the river, a distance of 49 miles; soundings were taken, and topography and all obstructions noted. Vermillion River starts from the junction of Bayou Barbeaux and Bayou Fusilier, and by the Fusilier it is connected with the Teche. The river flows through what is known as the Attakapas region, a high, slightly-rolling prairie country. The banks, for 42 miles below Pin Hook bridge, are of red clayey soil, above all overflow, except strips of marsh occasionally found from 50 to 100 feet in width. Trees grow upon both banks for the first 42 miles to an average width of 100 feet, and are the only timber near. The remaining 7 miles to the mouth is sea-marsh, covered at high tides. Pin Hook bridge has no draw, but one could easily be made in it. Only at great freshets would there be water sufficient for navigation were the obstructions in the channel above, connecting it with the Teche, removed; but the supply of water is fully sufficient for slack-water navigation, with locks to retain the water at the height necessary for it to pass the Fusilier. The Vermillion, at Pin Hook bridge, is wide and deep enough for small steamboats. The tide in the Gulf determines the height here entirely, except during freshets. There is a slight current at low tide. The right bank is about 20 feet high at the bridge, and the left 5 to 7 feet. The first 4 miles is now so filled by snags, logs, and trees blown in during the September gale as to be impassable. There are also many overhanging trees on the banks. A shoal at the end of the second mile is caused by a prairie coulée, and has but 2 feet water at low tide. At Four-mile Point the steamers now stop and transfer freight for Vermillionville to flat-boats, which are poled up to the bridge. The river below, to the ninth mile, is narrow and much obstructed by overhanging and fallen trees and snags. There are also four shoals, the first of which is but 10 feet long, and appears to be of logs across the bayou, having but 2 feet over them at low-water and 4 feet on either side. The next is caused by a ditch from the high

land, the other two by prairie coulées. These shoals cause much delay to steamers, as they can cross only at high tide; their removal by dredging and closure of the channels causing them will help navigation. From the ninth to the twentieth mile the last depth is 4 feet at low-water, which is sufficient for the boats in the trade. There are a few snags and some overhanging trees. Below the twentieth mile the river gradually increases in width and depth to its mouth; the only obstructions are a few snags. Abbeville is on the twenty-fourth mile, and is the largest town on the river, and the shipping point for the region to westward. The river enters Vermillion Bay in a little cove at its western end, which is a good harbor at its mouth; but there js a shoal bar between this cove and the bay, over which the depth at low tide is but 2 feet. The channel could probably be improved by making a jetty of brush or cane fascines from the shore to the island, shutting off the incoming current over the mud flat at rising tide, and forcing it to follow the course taken by ebb tide, which is the channel followed by boats. A chart of the river is made on a scale of $\frac{1}{5000}$.

The estimated cost of improvements below Pin Hook bridge is as follows:

Clearing and removal of snags 5 miles from bridge, at $200	$1,000
Clearing and removal of snags next 15 miles, at $100	1,500
22,000 yards dredging at mouth, at 25 cents	5,500
Jetty	1,000
Engineering and contingencies, 10 per cent.	900
Total	9,900

The commerce to be benefited is that of Vermillionville and Abbeville, with the surrounding country.

Yours, respectfully,

W. H. HOFFMAN,
Assistant Engineer.

Maj. C. W. HOWELL,
Corps of Engineers, U. S. A.

EXAMINATION OF BAYOU COURTABLEAU, LOUISIANA.

UNITED STATES ENGINEER OFFICE,
New Orleans, February 27, 1880.

GENERAL: I have the honor to submit herewith report of Assistant Engineer H. C. Collins on examination of Bayou Courtableau, Louisiana, provided for in act of Congress approved March 3, 1879. Tracings of chart drawn to a scale of $\frac{1}{5000}$ will be forwarded in a separate package.

The recommendations of Mr. Collins as to plan of improvement are set forth in his report, and are concurred in. His estimates are also approved; $6,000 could be expended to advantage on the work during the ensuing fiscal year.

The work will constitute a permanent improvement in the ordinary acceptance of the word permanent.

The importance of the work and all information obtainable concerning the commercial statistics are given in the report of Mr. Collins.

The work is located in the collection-district of New Orleans.
The nearest light-house is at the entrance to Atchafalaya Bay.

Very respectfully, your obedient servant,

C. W. HOWELL,
Major of Engineers.

Brig. Gen. H. G. WRIGHT,
Chief of Engineers, U. S. A.

REPORT OF MR. H. C. COLLINS, ASSISTANT ENGINEER.

NEW ORLEANS, LA., *January* 31, 1880.

MAJOR: I have the honor to submit the following report of the examination and surveys of Bayous Boeuf and Courtableau, from the head of the Lamourie to the junction with the Atchafalaya River.

The bayou, though having two names in different parts of its course, and has been so considered in making this examination, is really one stream. Its former source was the Red River, and it empties into the Atchafalaya River.

Bayou Robert, which once brought the water from Red River and furnished a large portion of the water of this bayou, was closed many years ago, and with it all upper connection with Red River ceased. The water at low stage, which now forms the stream at the beginning of this survey, comes from the pine woods hills on the south side of Red River and to the westward of the bayou. Above the beginning of the survey is a large cypress swamp, which forms a reservoir and prevents any sudden floods from rains in the hill country.

At the low-water stage of the bayou about two-thirds the water coming from above is lost down the Lamourie.

A very small portion of the water now running down the Lamourie would suffice for all necessities of the few plantations on its banks; and closure of the bayou at its head, excepting what water was needed for them, would give fully double the present amount in Bayou Boeuf.

The banks and country on each side of the Boeuf are of red soil, which is evidently the deposit of Red River. The banks are nowhere caving, and are several feet higher than the highest floods.

The descent is from the immediate banks, away from the bayou on each side, to low cypress swamps.

The slope varies greatly, as the banks of the bayou are very uniform in their height, as are the cypress swamps, and the distance from the bank to the swamp varies between one-quarter of a mile and 3 or 4 miles. No levels were run across the valley to determine the differences of level between the top of the bank and the cypress swamp back of the fields, but it is probably 12 or 15 feet.

The bayou runs in great, sweeping bends, such as would be formed by a stream larger than it now is, and it had at some time sufficient water supply to overflow its banks at high river, and sufficient current to wear away its banks, as the bends are such as are made by caving banks.

Since the present conditions have been in operation the banks have become covered with trees and bushes from their tops to about the low-water line, and in many places cypress trees of great size have grown in the bed of the stream or on its immediate banks, and where they have been cut their stumps remain as low-water obstructions.

The banks are everywhere cultivated, from the top of the ridge near the bayou back near to the cypress swamps.

Drainage is back to the swamps except in those bends where cut-offs had almost taken place at the close of the period of caving banks.

The lands are very fertile, and immense crops of cane, cotton, and corn are raised.

The bayou, at the low-water stage, is very much too small, for 90 miles above Washington for navigation, even with the smallest boats, as it is but 1 foot in depth in many places, and any deepening of these places would but draw off the water of the pool above, and perhaps transfer the position of the shoal, but not in the least increase the depth for purposes of navigation.

Closure of Bayou Lamourie would furnish water enough to make a low-water channel of 2½ feet, except at periods of long droughts, and were the logs in the bed removed and the overhanging trees cut, would probably afford a depth of 4 feet or more for the winter months, when there is most rain.

The small barges which are at present used can take freight on this depth, and the steamers can tow them; but for any really useful low-water transportation, locks and slackwater navigation will be needed. The survey of the upper portions of the bayou to within a few miles of Washington was made by Mr. George O. Elms, and that below was made by myself, with his assistance.

The cross-section made above the head of Lamourie gives a low-water area of 540 square feet in the pool where the cross-section was made.

At the extreme high-water of 1874, 3,040 square feet area and the tops of the banks 8 feet higher would increase this cross-section area, if they were full, 2,720 square feet, showing that the channel is capable of carrying double the water found in it at the highest floods.

The cross-section of the Lamourie, nearly 2 miles below its head, gave an area in the pool at low-water of 100 square feet, and at the height of high-water of 1874 of 620 square feet. The tops of the banks were 3 feet above this height.

The depth on the first ripple below the Lamourie, on the Boeuf, was but 1 foot, and its extreme width but 40 feet, giving a cross-section area at extreme low-water of but 28 feet.

The entrance of Bayou Clear, at the middle of the fourth mile, rather more than doubles the amount in the Boeuf. It comes from the hills west of the delta valley.

On the twelfth mile is a small bayou which enters from the west. Below this all the west side drainage goes to the Cocodrie Swamps, which here form the west side

of the valley and border on the west hills. That on the east side finds its way through swamp channels to Bayou Huffpower and Bayou Rouge.

No stream enters and none leaves until we reach the Huffpower on the forty-third mile, which is an old channel leading to the eastward, and much more filled by late deposits than the Boeuf, and is dry at its head with a rise of less than 7 feet in the Boeuf. It therefore does not in the least injure navigation in the Boeuf, as when there is a 10-foot rise but a very small stream runs down the Huffpower, and there is no risk of its again cutting out to take any large amount of water from the Boeuf, as it is decreasing and has little fall.

The banks are almost perfectly uniform from here to the mouth of the Cocodrie, which enters from the west at the end of the eighty-sixth mile, and below the mouth of which the name is changed to Courtableau.

The cross-section is almost exactly the same as at the head of the survey. The banks are of equal height above the high-water marks, being everywhere covered with overhanging trees.

The bed of the bayou has many logs and stumps and some standing cypress and gum trees. There are frequent bridges, all of which have draws for passage of steamers. The depth on the ripples is but 1 foot at extreme low-water, and in its narrowest place the width is but about 20 feet.

The overhanging trees are so thick that a rise which would give good navigation were they removed will only permit small steamers with a width of about 20 feet to pass, and they have smoke-stacks with joints to lower for passing under low trees.

Some years ago a lock was begun by a stock company, under an appropriation from the State. It was located at the upper end of a shoal 600 feet long, which is found just above the junction of the Boeuf and Cocodrie. It would not have been of any use if it had been completed, which it never was, as when there was water enough to get to it there was enough to do without it. It now forms a slight obstruction where one corner projects into the channel, but it can be easily removed.

The amount of water coming down the Cocodrie at low-water is more than double that which comes in from the Boeuf. The west bank of the Courtableau here at its head is also the west side of the delta valley, and high bluffs form the west bank of the bayou, rising 100 feet or more within half a mile.

One mile below the junction a cross-section was taken, at a place where there was a current of about 1 foot per second at the time, which was extreme low-water. The low-water area was 180 square feet, and that at the height of the 1874 water-mark was 3,400 square feet; this was several feet below the top of the bank and is the highest water-mark observed.

Although the alluvial bank on the east side, and all that above, is nowhere caving, the bank does cave all along the bluff land at every place where the stream touches it.

The town of Washington has half a mile front on the bayou on the fourth mile, and the 3½ miles above it are lined with overhanging trees on both sides, and there are many logs in the channel as on the Boeuf above.

Washington is situated on the west bank on a bluff formation, and it is a place of much importance as a shipping point for a large amount of freight, and head of navigation for the larger boats during a great portion of the year.

There is a draw-bridge about the center of the town, and a cross-section taken from it gave a low-water area of 140 square feet, and at the height of 1874 high-water mark it was 3,590 square feet; the rise at that time was 23 feet above extreme low-water, yet was several feet below the top of the east alluvial bank.

There are very few overhanging trees below Washington, but near the middle of the fifth mile is a saw-mill, where for nearly half a mile the old saw-logs and butts of logs which have been cut off and rolled in form a complete blockade, with less than a 3-foot rise. All of them must be taken out.

The shoalest places have about 2 feet of water at extreme low. On the sixth mile Bayou Caron joins the Courtableau from the west, and with less than a 12-foot rise of the Courtableau it runs into it, but there is a connection 2 miles above, through the Maricoquant, which, with a rise greater than that in the Courtableau, takes the water to the southward, to the Teche. The Caron to this junction, the Maricoquant, and the Teche below, all have the same banks of Red River formation as the Courtableau, but the Caron above this junction is merely a hill stream, with black or gray deposit from the bluffs.

At Barry's Landing, on the thirteenth mile, the Teche leaves to the southward, and at times of great floods carries off a large amount of water from the Courtablean, but it is for the first 4 miles much obstructed and only runs at present with an 8-foot rise of the Courtableau.

It here bears marks of having once been far larger than it is at present. About the middle of the seventh mile Bayou Toulouse once ran out of the Courtableau and emptied into the Teche, but a dam has been made across its head and a ditch cut from it across the bottom land, entering the Courtableau near the beginning of the tenth mile, and causing a bad bar.

At the beginning of the eighth mile the Little and Big Ouacksha bayous enter, near each other, from the north, and at high-water times bring in some water from Red River.

Small steamers always run up the Courtableau at low-water as far as the landing below the Ouacksha, and the depth between there and Barry's Landing is 6 to 10 feet, except where two drains enter, one from Bayou Toulouse and the other from the opposite side on the ninth mile. On each of these short bars is a depth of 3 feet at extreme low-water; both are of recent origin and can be removed by dredging or by removing their cause by closure of the ditches.

At Barry's Landing is a bar quite variable in its position, but which is caused by the high water from Red River backing up the Courtableau and that entering from the north side bayous running across the Courtableau down the Teche. The bar is near the head of the Teche, and at times of discharge down it in floods there is little or almost no down current in the Courtableau past that point.

The surface of this bar is washed off as the bayou falls, and there is but seldom so little as 4 feet depth on it at lowest water.

At the time of the survey, the middle of October, 1879—at extreme low-water as it then was—there was a slight current, amounting to 1 foot per second, on the shoal places as far down as the eighth mile, but below that the current slackened until at Barry's Landing and below it was about 1 foot in 10 seconds, decreasing below as the cross-section at low-water increases until it is so slight that small objects on the surface float up or down as driven by the slightest breeze.

In a bend on the eighteenth mile the bank is so washed that a fresh surface is exposed on a slide, and for 8 feet above low-water the bank is of blue clay, which does not wash, overlaid by 10 to 15 feet of Red River formation. The old red deposit once put on this blue clay slope appeared to have recently slid or been washed in. Near the top of the blue clay were some roots of cypress, which did not reach up into the red land above, and in the red land above were a few pieces of ancient drift found, and more or less of them everywhere on the Boeuf. Every one of these which retained the substance of the wood enough to enable me to determine what it was I found to be red cedar, and in many cases a log or piece of drift, though blackened and soft for an inch in depth, had yet inside that a sound red cedar heart, retaining not only the color but the smell of the new wood.

The outer side of the bend next below this had the blue clay bank exposed by washing off of the red surface, and it was the same height above water. At Barry's Landing the high-water of 1874 is near 2 feet below the top of the bank on the south side, but 2 miles below it is at the surface, and on the seventeenth mile is 3 feet above on the narrow ridge on the south side, and so high as to wash away fences a few hundred feet south from the bank. Nearly the entire distance from here to the Atchafalaya was then covered.

The land on the north side of the Courtableau is somewhat lower than it is on the south. Below where the banks of the Courtableau were covered deeply in the flood of 1874 the general course of that flood was southward directly, following the channel of the Courtableau for short distances only as it ran in the direction in which it was moving, and often for short distances running up the stream.

Near the end of the nineteenth mile is a pile of oak logs, reaching entirely across the channel, and the part of it which had not been removed is about 6 feet above low-water. A channel through this barricade has been made by pulling out logs so as to give a low-water depth of 5 feet for a width of 50 feet.

Through changing their places in times of high-water these logs at times form an obstruction to navigation which may in some case be quite serious; but the whole block of logs can be easily pulled out on the bank at low-water and burned.

At the bend on the south side, near the end of the nineteenth mile, the blue clay surface is 5 feet above water, and in the opposite bend, 500 feet above, it is at the same height, covered in both cases by about 10 feet of red soil. The surface of the blue clay, in both instances, was evidently a cypress swamp when the red deposit began to be made, and the channel in the blue clay was made before that time and was much longer than the present channel, as but one side of the present channel is worn into the blue clay, while the opposite is Red River deposit, like that above the blue clay, filling an unknown proportion of the ancient bed.

The red soil, though resisting the washing of a current far better than that of the west bluffs of the valley at Washington, is easily washed compared with the blue clay.

On the twentieth mile Big and Little Darbon bayous enter from the north. Both have large channels, though bringing at low stages very little water. The Courtableau is here, at low-water, 100 to 150 feet in width, and 13 to 15 feet deep.

At the middle of the twenty-first mile is a south-side bayou, which runs with an 8-foot rise, and near the end of the same mile Bayou Jummel leaves on the south. A small sand-bar in its head is 3 feet above extreme low-water, but the channel is wide, and at high-water has a large discharge.

The bottom lands, on each side, are 13 feet above extreme low-water, and a water-mark on trees was 5½ feet higher. The high-water mark appears to vary greatly, depending on the escape to southward of the water coming in from the north, and near the Jummel it was 1½ feet lower than a mile above.

Blue clay shows at every bend where the current meets any old bank.

Near the beginning of the twenty-third mile the bank on the north side is 12 feet high, but it falls before reaching the middle of the mile to 7 or 8 feet, and continues at that height, with some yet lower places, until the middle of the twenty-sixth mile, showing a strong current at high-river.

On the opposite south bank the high land has a break 1,200 feet wide, where the water runs with a 7-foot rise; it is much washed.

On the twenty-fourth mile two bayous leave on the south side, which run with a 5 to 8 foot rise, but the intervening land is 12 to 13 feet high.

The twenty-fifth mile has one bayou 60 feet wide and 5 feet deep at low-water at its head, but which is so choked below that no water escapes at extreme low-water. Three other bayous, which run with 5, 6, and 7 foot rise, leave on the right bank on the same mile, but the land between is 15 feet high; 7½ feet of this is blue clay.

There are eight bayous on the south side on the twenty-sixth mile, the upper two of which run with a 2-foot rise; the next two with a 6-foot rise; next is Mamselle Bayou, which is 70 feet wide at low-water, but has no current at such time, though it is a very large stream at high-water; the other three are small bayous. Land between these is 10 to 14 feet high, and shows a strong current at high-water, though the surface is little washed, being thickly covered with trees and bushes.

On the left bank, at the head of the twenty-seventh mile, is a high tract where blue clay shows 5 feet high, with 5 to 8 feet of red soil above it.

On the south side, a few hundred feet back from the bayou, at the head of the twenty-seventh mile, are two mounds 10 feet above the highest floods. Just below them the Fordoche Bayou runs out to the southward; its channel was 3 feet deep, but it had, at low-water, no current. This was the channel for steamers previous to clearing out the raft from the Atchafalaya, and it forms a connection through Bayon La Rose with Grand Lake below, and there are many cross-channels between it and the Atchafalaya. It has not been used since the opening of the other bayous. On its south bank I found an old high-water mark, made by drift, which was 9 feet above the surface where the bank was 13 feet high, showing that within 20 or 30 years a flood had risen here 22 feet above low-water. Blue clay on its bank is 7 feet and red soil 6 feet deep.

At the head of the twenty-eighth mile the right bank was 13 feet high, and this year's high-water mark 2 feet above it. Two narrow bayous run out with a 4 foot rise, and on the middle of the mile is a washed channel 1,000 feet wide, 3 to 6 feet above low-water. Much drift has lodged in it, which probably came from Bayou Bigereau, which by four mouths enters from the north. It is evidently a very large bayou at high-water, but no water enters from it at low-water. The entire distance, 2,500 feet, between its extreme mouths is a swamp but 3 feet above low-water and bearing marks of strong currents at flood seasons.

On the south side, at the beginning of the twenty-ninth mile, is a bayou which is entirely covered with standing trees, and its bed is but 3 feet above low-water. For one-half a mile below the blue clay is seen in the right bank 5 feet above water, with 2 to 5 feet of red soil above it.

One small bayou leaves at the end of this mile and one at the beginning of the next, and one enters from the north just opposite this last. Six hundred feet below, English Bayou leaves to the southward; it is 70 feet wide and 5 feet deep at low-water, but with no low-water current. In its banks, and those of the river near, the blue clay was 5 feet above water, with 6½ to 8 feet of red soil above it.

Little Fordoche Bayon leaves at the end of the thirtieth mile, and a bayou enters from the north, directly opposite its head.

The depth of the Courtableau is here 18 feet, but it shoals very fast, and at the beginning of the thirty-first mile it is but 10 feet, 400 feet below but 6½ feet, and 2,000 feet below the beginning of the thirty-first mile it has shoaled to but 1 foot. This shoal is called Little Devil Bar. It is of a loose, easily washed sand, and extends to 1,200 feet below the end of the thirty-first mile, being about 6,500 feet long at present.

Near the head of the bar a bayou enters from the north, and there is a mile of low swamp which is but 3 or 4 feet above low-water and is said to be all bayou at high-water.

The south bank is high except at the bayous, which run with a rise of 3 to 4 feet. The entire surface on the south bank is 7½ to 14 feet above low-water. Floods from above on the Courtableau and from below on the Atchafalaya meet here and pass off to the southward through these bayous and over the bank. It is only at times of low-water in the Atchafalaya and high-water in the Courtableau that any water runs from the Courtableau into the Atchafalaya, except at extreme low-water. There is a

urrent up over the bar whenever there is a rise of 5 feet above extreme low-water in the Atchafalaya.

The cross-section at low-water on the bar varies hourly with the washing away of sand in any particular place. The narrowest place at the time of the survey was 20 feet, with a depth of 2 feet, but the shoalest place was but 4 inches deep.

All low-water freight passes this bar from the small steamers above to the larger ones below by very light, flat barges; but there are many times when it is perfectly dry on the sand, and the whole upper discharge goes by one of the little bayous above, which were, at the time of the survey, so filled as not to run. Then freight is rolled over the bar. The transfer by either means is much more expensive than the entire freight from Washington to New Orleans with good navigation.

The position of this bar varies with the relative height of the two bayous, and it has been at the mouth of the Courtableau, though seldom, much above its present position.

When there is low-water in the Atchafalaya and a freshet comes down the Courtableau, it sometimes sweeps the whole bar out into the Atchafalaya, and it passes away only to be replaced at the next succeeding high-river from the Atchafalaya.

From the lower end of Little Devil Bar to the Atchafalaya is but three-quarters of a mile, and the depth at low-water is from 12 to 14 feet. This channel is 60 feet in width, but is bordered with standing trees and stumps.

The red deposit on which these trees grew has lately slid in, with its growth of trees, as far as the old blue-clay bank, and the present surface of the portion slid in is from 3 feet above to 10 feet below the low-water line. The blue clay is seen on both sides, 7 feet above low-water, with 5 to 6 feet of red soil above its surface on the left bank and 6 or 7 feet on the right bank. The entire fall across the bar at the time of the survey did not exceed 3 feet, and was probably much less, but no levels were taken. The fall from Barry's Landing to the head of the bar was not enough to give a discharge, at the time of the survey, of more than 60 cubic feet per second, which was the amount passing over the bar.

The width below Little Devil Bar between the surface of the blue-clay banks is 270 to 300 feet. Were the stumps and trees on the slides pulled out, the red soil of the slides would probably be soon washed out.

There are two small bayous on this three-quarters of a mile, both of which have high banks and are cut down 4 or 5 feet into the blue clay.

The left bank of the Atchafalaya, at the mouth of the Courtableau, has blue clay for 7 feet above low-water, with 7 or 8 feet of Red River deposit above it.

The cross-section of the Courtableau was taken just below the bar and at the mouth, and also that of the Atchafalaya just below. The area at low-water of the first of these cross-sections was 2,175 square feet, and at the level of the top of the bank it was 6,000 square feet; but the high-water mark was some feet above the top of the bank.

At the mouth of the Courtableau the low-water cross-section had an area of 2,160 square feet, almost exactly the same as that taken half a mile above; but at high-water here the bayou has but one bank, joining the Atchafalaya.

The low cross-section of the Atchafalaya was 5,160 square feet, and the current at the place was at least 1 foot per second.

At this time all of Red River and a stream from the Mississippi River, through the dredged channel, which gave at the time a discharge of about 360 cubic feet per second, ran down the Atchafalaya.

Were the banks filled, the cross section of the Atchafalaya here would be increased 7,800 square feet, or to 12,960 square feet, but it rises in high-water seasons far above its banks, and Bayou Alabama had left the Atchafalaya above the Courtableau, and has a cross-section nearly as large as the Atchafalaya.

There was, in the flood of 1874, little, if any, land above water between the Atchafalaya and the Mississippi rivers.

The first obstacle to navigation in the Courtableau is Little Devil Bar, and it has been removed by natural causes two or three times already. By making works which will give the same conditions as those operating when the bar was washed out by these natural causes I think we can depend on reaching the same result. By a dam at each of the bayous on the south side, which would keep all the water of the Courtableau from running off to the southward, with a rise of less than 10 feet, and a levee where the height of the bank was below that, and so protecting their lower slope that water could safely run over whenever a flood should rise above that, we would not materially decrease the total amount of water discharge over the south bank in floods like that of 1874, and would find that, at any time, as the water fell below the top of the leveed south bank, we would again have exactly the conditions necessary for natural removal of whatever sand had been deposited at the previous high-river season. Although, with a flood of sufficient height to raise the water very much above these dams, the current would, as at present, run from the Atchafalaya up the Courtableau for a distance, greater or less, exactly proportioned to the relative discharge of the

two streams, and a large amount of sand would, as at present, be deposited in the Courtableau; yet, as soon as the height fell below the 10 feet, the entire discharge of the Courtableau would make a current sufficient to clear its own channel. It would not be desirable, were it possible, to build any such levee as would materially decrease the discharge of the valley directly down its slope across the Courtableau in floods, as it would but force more water on to the already deeply-covered region eastward of the Atchafalaya.

Before beginning any work it would be necessary to make a careful detailed survey of each bayou for a mile below its head, running level lines to determine the location of dams and levees. No levels were taken on this survey, and so short was the time at command that no work was done except that absolutely necessary.

The blue clay foundation can be depended on as it is, for there is no danger from its washing, but a good brush or plank apron will be necessary wherever any current very much greater than that at present found runs over the red soil. Much of this red-soil surface is now well protected by its growth of brush and trees.

Any improvement of this stream, to be of much benefit to the people of the valley above Washington, will require locks, and will be a slack-water navigation.

Natural conditions could not well be more favorable than they are. The banks are everywhere perfect from the point where the lowest lock of the series must be placed up to the mouth of the Lamourie, which is but a few miles from Alexandria. This channel, in the greatest floods, is never full, and, except the Lamourie and Huffpower, no bayous would require closing. Had the channel been dug for a canal it could hardly have been more uniform in cross-section.

There is sufficient water for needs of lockage at lowest stages, and if such dams are built and gates for locks made as can be removed when the water rises so high as to make them no longer useful, and replaced at will, as the stream falls, the slight amount of sediment deposited at low-water would be swept out at high-water.

In great floods much of the height above Washington is due to backwater. The lower one of this series of locks will need to be put at a point but few miles below Barry's Landing, as far up the bayou as there is sure to be sufficient water for navigation when depending entirely on backwater from the Atchafalaya at the lowest stage of that stream; this is found at the first place where the bank of blue clay is exposed on the seventeenth mile.

The discharge at the time of the survey was probably as little as it often is at extreme low river, and it was just above Washington 180 feet per second; several large bayous and 25 miles of river, with so large a cross-section that there was about the same current in it as would be the case in slackwater navigation, intervened between this point and Little Devil Bar, which might be considered a lock, and how much, if any, water escaped at those bayous is not known, no current being perceptible in either bayous or lower river, yet the discharge over Little Devil Bar was 60 cubic feet per second. There had been at the time a long drought.

The conditions are almost exactly the same in the Courtableau, Bœuf, De Glaise, and in the Teche. So little is the difference that the same plan of improvement will answer for all of them.

The cost of the necessary dams and levees on the south bank of the Courtableau would probably come within $20,000, and perhaps much within it, but an exact estimate cannot be made from data procured. Cost of clearing the banks and removing snags above Washington will be about $200 per mile for the 90 miles, and if the locks and slack-water improvements are constructed the banks could be cleared for this amount. The same is necessary as well if navigation is to be improved for the high-water season alone. The 28 miles below Washington can be cleared of snags and overhanging trees for $50 per mile. This will make the total estimates for the Bœuf and Courtableau—

Clearing 90 miles above Washington, at $200	$18,000 00
Clearing 28 miles below Washington, at $50	1,400 00
Dams on Courtableau Bayous	20,000 00
Four locks and needle-dams, at $15,000	60,000 00
Add for contingencies 10 per cent	9,940 00
Total	109,340 00

This estimate is but $926.61 per mile, and, considering the probable amount of commerce per year, would be but a very low rate per ton. The bayou above Washington runs through some of the finest alluvial land in the State. There is also a large and productive country to the westward of it, the products of which would find their way down what would, with this improvement, be practically a canal, penetrating nearly a hundred miles into a rich country which has heretofore had but a very uncertain and expensive outlet.

I have no data for the amount of commerce at present, but was told that an average of about three steamers per week passed between New Orleans and Washington each

way through the year, and that were navigation uninterrupted its amount would be greatly increased.

Opening the navigation above Washington would be in fact more than doubling the area to be benefited by the entire system of improvements.

A chart of the bayou has been made on a scale of $\frac{1}{5000}$, giving topography, soundings, and obstructions.

Yours, respectfully,

H. C. COLLINS,
Assistant Engineer.

Maj. C. W. HOWELL,
Corps of Engineers, U. S. A.

EXAMINATION OF BAYOU DE GLAISE, LOUISIANA.

UNITED STATES ENGINEER OFFICE,
New Orleans, February 27, 1880.

GENERAL: I have the honor to submit herewith report of Assistant Engineer H. S. Douglas, of an examination of Bayou De Glaise, Louisiana, provided for in act of Congress approved March 3, 1879.

Tracings of chart drawn to a scale of $\frac{1}{5000}$ will be forwarded in a separate package.

Recommendations of Mr. Douglas, as to plan of improvement, are given in his report and are concurred in. His estimates are also approved, the total amount of which, viz, $9,540, can be expended to advantage on the work during the ensuing fiscal year.

The commercial statistics furnished by Mr. Douglas show the work to be of very considerable importance. The work is not susceptible of permanent completion.

It is located in the collection-district of New Orleans. The nearest light-house is at the entrance to Atchafalaya Bay.

Very respectfully, your obedient servant,

C. W. HOWELL,
Major of Engineers.

Brig. Gen. H. G. WRIGHT,
Chief of Engineers, U. S. A.

REPORT OF MR. H. S. DOUGLAS, ASSISTANT ENGINEER.

NEW ORLEANS, LA., *January* 31, 1880

SIR: In obedience to instructions received from you, I left New Orleans October 21, 1879, for the purpose of making an examination of Bayou De Glaise, Louisiana, and have the honor to submit the following reports and accompanying charts:

My instructions were to run a transit and stadia line, with soundings, on the Bayou De Glaise, commencing at Simmsport, where the bayou debouches into the Atchafalaya River, and terminating at the town of Evergreen. This latter place is not, however, on De Glaise, but on the Bayou Rouge, which is practically a continuation of De Glaise. These two bayous are formed by the waters of Red River, during high water, flowing down through Bayous Lamourie, Choctaw, and du Lac into Lake Pearl, and from thence into Bayou De Glaise, one, if not the only one, of its outlets. After flowing down de Glaise $2\frac{1}{2}$ miles, the water arrives at what is known as the "Junction," or the point where Bayou Rouge leaves De Glaise; the water flowing either way from this point, one portion finding its way into the Atchafalaya by Bayou De Glaise, the other by Bayou Rouge.

The distance by both bayous from Simmsport to Evergreen is $63\frac{3}{4}$ miles, Bayou De Glaise 48 miles, and Bayou Rouge $15\frac{3}{4}$ miles. The average width of the former is 250 feet, that of the latter 175 feet. The general cross-section is like that of an artificial cut or canal. At the time of making the survey there had been a prolonged drought

in the immediate country, and also very low water in the Mississippi and Red rivers, in consequence of which the bayou was almost dry, the only water being a narrow stream or pool in the center, supplied from springs. This condition of affairs was highly favorable for the examination, as it enabled obstructions to be seen and noted that otherwise might have escaped observation. In lieu of soundings, which were unnecessary, the pools preserving an even depth of 1 foot, cross-sections were made at intervals. These latter on the Bayou De Glaise show approximately the slope of the bed of the stream, as the general country, as well as the banks of the bayou, being all of alluvial formation, is nearly on a dead level. As is the case on all Louisiana bayous, the immediate banks are the highest land, the slope being from them toward the cypress swamps. The width of the cultivated land—that is, the distance between the bayou and the swamp—averages about one-half mile on the north bank and 1 mile on the south. , It is a noticeable peculiarity that the south bank of all bayous has the widest strip of land to be cultivated, proving that the largest part of material during high water is deposited on the south bank. The country bordering both bayous is thickly settled and all under cultivation, the principal crops raised being sugar, cotton, and corn.

The town of Evergreen is situated at the junction of Bayous Rouge and Huffpower. This latter connects the Bœuf and Rouge at high-water. Bayou Rouge continues on past Evergreen to the south, and finally meets the Atchafalaya at Churchville, where it has been closed by a dam, so as to obtain slackwater navigation in the lower bayou. The obstructions noted on the chart in the first and second miles of Bayou Rouge consist of 29 standing trees, 1 fallen tree, and 19 logs.

From the third to the sixth mile the bayou makes a long bend, the distance across the point being about 1,800 feet. This bend is very badly obstructed by willows and other trees, which have grown up in the bed of the stream. At some past date this bend must have been cleaned out, as for a distance of 4,000 feet the fifth mile is filled with old stumps cut off to an even height of 2 feet above the bottom of the bayou. In this bend there are also numerous logs or fallen trees, besides two shoals or bars on the sixth mile; one 1,300 and the other 2,000 feet in length, and both from 1 to 2 feet above the general level of the bottom.

On the seventh, eighth, and ninth miles, the obstructions are 11 standing trees, 16 logs, 1 fallen tree, and three bars, one on each mile, respectively 500, 1,400, and 200 feet in length, and from 1 to 2 feet above the general level of the bottom of the bayou.

The tenth, eleventh, and twelfth miles are around Coco's Bend. For 8,300 feet the bayou is filled with standing trees, principally willows. Two fallen trees and about 20 logs would have to be removed. On the thirteenth and fourteenth miles, a shoal 2,500 feet long and from 1 to 3 feet above the general level of the bottom is to be found; also 6 logs and 15 standing trees.

In the fifteenth mile is the town of Cottonport. The bed of the bayou was perfectly dry from here to what is known as the "junction" at the time of the survey. On the sixteenth mile there are six standing trees, and the last 1,000 feet is filled with the same. This also brings us to the "Junction" of Bayous Rouge and De Glaise. The bed of the Rouge at the "junction" is from 4 to 6 feet above that of De Glaise. From the seventeenth to the fiftieth mile Bayou De Glaise is almost clear. The obstructions to be found are all located on the chart, and consist of 12 fallen trees and 171 logs lying on the bottom.

On the twenty-fifth mile is the town of Moreauville, situated at the upper end of the cut-off road across the big bend; the town at the lower end is known as Hamburg. The distance by the bayou between the two towns is 30 miles, and by the cut-off road but 3½.

On the fifty-first mile will be found one of the three bad obstructions which exist on the bayou. It is a collection of logs on the bottom in the shape of a sunken raft. This seriously obstructs navigation, as it requires 2 feet more water to carry a boat over this raft than would ordinarily be required for the navigation of the bayou in that vicinity. One fallen tree would have to be removed.

Two fallen trees and one log are all the obstructions on the fifty-second and fifty-third miles. In the fifty-fourth mile is Mill Bayou, the mouth of which has been closed by an automatic gate, which only allows the water to flow into and not out from de Glaise. The obstructions are a sunken flatboat and 1,200 running feet to be cleared of brush and standing trees.

The fifty-fifth mile is clear. The town of Hamburg is situated abont the middle of this mile. The fifty-sixth mile has the north bank lined with brush and standing trees. On the fifty-sixth mile is the wreck of a sunken boat, which, however, is not bad, as it is partially broken up; also brush on both banks and one fallen tree. Fifty-seventh mile has brush on both banks to clear off. Fifty-eighth mile has 2,500 feet lined with brush, one fallen tree, and two logs. On the sixtieth mile there is another raft, similar to that on the fifty-first mile, and to which the same remarks will apply, except as to length, this one being 500 feet in length; also 3,200 feet to clear of brush. On the sixty-first mile is the last of the sunken rafts, this one being 100 feet long and similar

to the others. One fallen tree and two logs to be removed; trees and brush to clear off.

The sixty-second, sixty-third, and sixty-fourth miles of the bayou are obstructed by brush and trees, growing into the channel; there being one particularly bad place at the beginning of the sixty-second mile, just below Yellow Bayou, where there is an island. Steamboat men complain of this place as being hard to pass on account of projecting trees. Seven logs and one fallen tree have to be removed in this distance. Sixty-three miles and 4,500 feet bring us to the mouth of Bayou De Glaise, at the Atchafalaya River.

The rafts on the fifty-first, sixtieth, and sixty-first miles were placed there during the war to prevent gunboats going up the bayou. It will not be necessary to clear the entire bed of the stream from brush, but only where it encroaches upon the channel. The best time to remove the obstruction would be between the months of July and February at low-water.

ESTIMATE FOR IMPROVING BAYOU ROUGE FROM EVERGREEN TO THE JUNCTION, 15¾ MILES.

Clearing channels from standing trees, stumps, logs, and fallen trees, 15¾ miles, at $200 per mile	$3,150 00
Add 20 per cent. for contingencies	630 00
Total	3,780 00

No estimate is made for removing the bars in Bayou Rouge, as the benefit obtained would scarcely justify the expense. They are only obstructions on the first stage of a rising or the last of a falling bayou. No boat has been in the Bayou Rouge since 1874, and in that year only a little beyond Cottonport. None have ever, so far as I could learn, gone to Evergreen.

ESTIMATE FOR IMPROVING BAYOU DE GLAISE FROM THE JUNCTION TO THE ATCHAFALAYA RIVER, 48 MILES.

Clearing brush off banks where it encroaches on channel, removing sunken logs and fallen trees, 48 miles, at $100 per mile	$4,800 00
Add 20 per cent. for contingencies	960 00
Total	5,760 00

There is a very valuable commerce to be benefited, as the bayou traverses a thickly-settled and productive country. All the land on both banks is under cultivation, the average crop being:

20,000 bales cotton, valued at	$750,000 00
1,653 hogsheads sugar, valued at	140,000 00
2,532 barrels molasses, valued at	30,000 00
	920,000 00

The miscellaneous country produce, in the way of corn, rice, stock, poultry, eggs, together with a considerable quantity of cypress lumber, will raise the value of the annual products to over $1,000,000. The value of return freights will also be considerable, as very nearly all supplies are brought from New Orleans. During low water in the bayou all this business has to be transacted by wagons, the charges for hauling cotton to Simmsport, the only shipping point, averaging $1 per bale, and is proportionate upon other articles. This tax is entirely avoided when boats come into the bayou, as they carry freight from the planter's landing to New Orleans for the same rate that it is carried from Simmsport. The removal of the obstructions mentioned is not, however, the improvement which the inhabitants most desire, for their removal will only improve the navigation for three or four months in the year—the months of March, April, May, and June—or during high water in the Mississippi and Red rivers. What is most desired is some improvement that will give them constant navigation. This can only be accomplished by means of slack water, and Bayou De Glaise is singularly favored in its position in regard to such an improvement. Lake Pearl, its source, is 3¾ miles long by 2½ miles wide, and from 4 to 6 feet deep, surrounded by a cypress swamp, by the overflow of which its reservoir capacity could be greatly increased without injury to the neighboring country. The fall from the Junction, the highest point to which it would be desirable to improve the bayou, to the Atchafalaya is, approximately, 22 feet, and the natural cross-section is the one that gives a minimum of evaporative surface, so that there would be but little loss from this cause. The data obtained from a mere examination is not, however, sufficient to predicate an

improvement of this nature upon, though the country and commerce to be benefited would justify such a work. The inhabitants were particularly hospitable, and every kindness and attention was shown your assistant and his party during the examination.

Very respectfully,

H. S. DOUGLAS,
Assistant Engineer.

Maj. C. W. HOWELL,
Corps of Engineers, U. S. A.

EXAMINATION OF BAYOU TERREBONNE, LOUISIANA.

UNITED STATES ENGINEER OFFICE,
New Orleans, February 27, 1880.

GENERAL: I have the honor to submit herewith report of Assistant Engineer W. H. Hoffman of an examination of Bayou Terrebonne, Louisiana, provided for in act of Congress approved March 3, 1879.

Tracings of chart, drawn to a scale of $\frac{1}{5000}$, will be forwarded in a separate package.

Recommendations of Mr. Hoffman as to plan of improvement are given in his report and are concurred in. His estimates are also approved, and can be expended to advantage on the work during the ensuing fiscal year, viz, $18,800. I am unable to furnish any commercial statistics other than those given by Mr. Hoffman in his report. The work is not susceptible of permanent completion.

It is located in the collection-district of New Orleans. The nearest light-house is near east end of Timbalier Island, Louisiana.

Very respectfully, your obedient servant,

C. W. HOWELL,
Major of Engineers.

Brig. Gen. H. G. WRIGHT,
Chief of Engineers, U. S. A.

REPORT OF MR. W. H. HOFFMAN, ASSISTANT ENGINEER.

UNITED STATES ENGINEER'S OFFICE,
New Orleans, La., January 31, 1880.

MAJOR: I have the honor to submit the following report on an examination of Bayou Terrebonne, Louisiana:

Field work was commenced on the 19th of August and completed the same month.

A transit line was carried down the bayou from Houma, using needle for bearing and stadia-rod for distances; soundings and topography were taken, and all information possible had from the inhabitants, who did all in their power to assist in furtherance of the work.

Bayou Terrebonne was once an outlet bayou of the Mississippi, receiving its supply from Bayou Lafourche at Thibodeauxville, but the connection with Lafourche was long ago closed, and above Houma it is but a very small drainage bayou, useless for any purpose of navigation. Below Houma it is a tidal bayou, and serves the purpose of a highway, for which reason it is of great importance. For 20 miles it is bordered with large sugar plantations, and 6 miles further by small farms. There are connected with Bayou Terrebonne many other bayous which depend on the navigation of the Terrebonne for their communication with a market. Roads on the bayou banks are entirely useless for moving freight.

There is now a railroad connection from Houma with Morgan's Louisiana and Texas Railroad; most freight goes that way. There are two steamers used for bringing freights from plantations on Terrebonne and other connecting bayous to Houma for shipment by rail, but there is a canal in progress which, when completed, will connect the Terrebonne with Lafourche.

At Houma the width of the bayou is 40 feet and its depth at low tide is 4 feet, but at intervals for the first 5 miles are shoals where but 2 feet can be carried over at low tide. All navigation at the upper end of the bayou near Houma is done at high tide, which gives from 1 to 2 feet more water, depending on the wind in the bays below. Much of the freight is carried by schooners which run to New Orleans through the lower bays and other connecting bayous; and by flatboats which are cordelled and poled from plantations up to Houma.

With the 6 miles from Houma the water deepens to 4 feet at low tide, gradually deepening to 6 feet at the tenth mile, and varying from 6 to 8 feet to the middle of the twenty-third mile, but the width increases very rapidly after the twenty-first mile to 200 feet or more.

The right bank for the first 20 miles has a belt 50 feet wide of willows growing from the water's edge to the high land, while the opposite left bank has no willows, but has a belt of sea marsh grass to about the same width between the channel and the road which runs on the edge of the high land.

On the twenty-second mile is a canal, Madison Bellanger, and entered from the east, but it has been closed, and water stands on the back side of the levee 2 feet above water in the Terrebonne.

At the beginning of the twenty-fifth mile Bayou Lacache enters from the west; it forms the connection with little Caillou Bayou, and all the commerce of that bayou, which is equal to that of the Terrebonne, comes through it and goes to Houma. It is timbered on both sides, and its depth is 5 feet or more.

For nearly a mile below Bayou Lacache the banks of the Terrebonne are above overflow, and are very thickly settled; but, from here to the middle of the thirty-third mile, where Bayou Lagraise enters from the west and connects with Terrebonne Bay, both banks are overflowed at the high tide and not cultivated.

Opposite the mouth of Bayou Lagraise a canal has been dug through the bank to Lake Bonis. It is 50 feet wide, 4 feet deep, and 300 feet long; it is expected that it will be finished through to Lafourche within a year.

The survey was continued down 5 miles further, but for a mile below Bayou Lagraise there is a bar with but 2 feet depth, and no commerce passes down the old bayou.

No line was run below the twenty-seventh mile, as the bayou banks which were but very narrow strips of sea marsh between Timbalier and Terrebonne bays, between which Terrebonne Bayou ran in 1850, and which is said to have had a greater depth than that found above at that time, are now broken up by the sea, from both bays, into little isolated grass islands, which are rapidly disappearing by action of the waves, and are now found at intervals of two or three miles down to Caullou Island, where was formerly the month of Bayou Terrebonne.

The old channel is filled so as to be like the bays on each side, but a sand or mud flat with no appearance of there ever having been a bayou there. Cutting off the supply of water from the Mississippi stopped also the supply of mud by which the banks were built up. The improvements needed on this bayou consist of cutting overhanging trees on the right bank for 20 miles below Houma, and of dredging the first 5 miles so as to give as much water as there is below, or at least to give enough for the passage of boats. Dredging to a depth of four feet at least, at low tide, will give a high-water channel sufficient for all purposes at present. This would make an estimated cost for the improvement as follows:

58,666 cubic yards dredging, at 25 cents	$14,666 67
20 miles cleaning, at $50 per mile	1,000 00
	15,666 67
Add for contingencies, 20 per cent	3,133 33
Total	18,800 00

The commerce to be benefited includes the whole amount coming to the town of Houma by water, up the bayou, which was in 1878–'79, 14,175 hogsheads sugar; 20,840 barrels molasses; there was also much rice and other produce, but sugar plantations furnish a greater part of the freight.

Very respectfully, your obedient servant,

W. H. HOFFMAN,
Assistant Engineer.

Maj. C. W. HOWELL,
Corps of Engineers, U. S. A.

EXAMINATION OF BAYOU TECHE, LOUISIANA.

UNITED STATES ENGINEER OFFICE,
New Orleans, February 27, 1880.

GENERAL: I have the honor to submit herewith the report of Assistant Engineer H. C. Collins, of an examination of Bayou Teche, Louisiana, provided for in act of Congress approved March 3, 1879.

Tracings of chart, drawn to a scale of $\frac{1}{5000}$, will be forwarded in a separate package.

Recommendations of Mr. Collins as to plan of improvement are set forth in his report and are concurred in. His estimates are also approved. The whole amount can be expended to advantage during the ensuing fiscal year, viz, $58,190.

I am unable to furnish valuable information concerning the commercial importance of the work.

It is located in the collection-district of New Orleans. The nearest light-house is at the entrance to Atchafalaya Bay.

Very respectfully, your obedient servant,

C. W. HOWELL,
Major of Engineers.

Brig. Gen. H. G. WRIGHT,
Chief of Engineers, U. S. A.

REPORT OF MR. H. C. COLLINS, ASSISTANT ENGINEER.

NEW ORLEANS, LA., *January* 31, 1880.

MAJOR: After delivering to Mr. Elms the instruments and instructions for the survey of the Courtableau, I made an examination of the Teche. Mr. Harrod, the State engineer of Louisana, gave me the notes of a compass line and the level notes which had been taken on a survey made by Mr. d'Hemecourt and Mr. Elms. As this survey had been made so recently, it was only thought necessary to go over the country and take the notes of topography and soundings and get some other information which was not contained in the notes.

Mr. Harrod's survey extends from Washington on the Courtableau to Saint Martinsville. A survey was made by Mr. Duke, under your direction, in 1870, and I had a tracing of this chart also, to see what changes had been made below Saint Martinsville since it was before surveyed, and the present obstructions in it. It was extreme low-water in all the west delta bayous at the time of the examinations in August, 1879, as there had been an unusually long drought, and there is probably never any less water than there was at that time. Bayou Teche leaves the Courtableau at Barry's Landing, but the upper portion of it is so filled that no water runs down it with less than an 8-foot rise of the Courtableau, and with a rise of 15 feet the channel leaving the Courtableau has a surface width of but 30 feet. Small as this channel is, a large part of it for the first 4 miles is filled by standing trees, which grow even down to the bottom of it, and with overhanging trees, bushes, and logs and fallen trees. The banks are above the high-water of 1874, which was the highest known. They are entirely of Red River deposit. During the high-water of 1874, flatboats loaded with lumber and fencing material, passed down through this channel, but it could only be used at very high water, when the lower willow trees were so covered with water that boats could bend them down and pass over them.

For the greater part of the year only a little stream of water, the drainage of the springs in the bank, finds its way down this channel, and 4 miles from the Courtableau the bottom of the channel is 6 feet above low-water in the Courtableau. How much higher the top of the divide is, there is no data in the notes to show. At Leon's Bridge, which is 13 miles from the head of the Teche, the extreme low-water surface at the time of the survey was 4½ feet above the low-water surface in the Courtableau, and it was at the time backwater, all entering from above the bridge being so little as barely to supply the evaporation in the pool of 6 miles backwater above the mouth of the Fusilier.

Mr. Harrod's survey was not made by way of Barry's Landing but left the Courtableau about a mile below Washington, passing up the Caron for 2 miles to the head of the Maricoquant, which runs to southward from the Caron. Above this point the Caron is but a rainwater channel; and, below, its banks are like those of the Courtableau and Teche of Red River deposit, as are those of the Maricoquant, which from

the Caron to the junction of the Teche, 4 miles from Barry's Landing and 9 miles from the Caron, is but a small channel, and at the high-water of 1874 it had but 4½ feet depth on the top of the ridge over which it runs, just below the place where it leaves the Caron. It is much overgrown with trees and there is no chance for any navigation by it. For the 9 miles it only consists of a series of pools, except during very high water.

The fall from the fourth mile to the thirteenth in the Teche is but little, but the channel is much obstructed by trees standing in it. The banks are everywhere above the high-water of 1874, and are bordered by cultivated fields for much of the distance. A road follows the top of the bank on each side of the bayou, and from the extreme bottom to the road, trees are quite thick. At the nineteenth mile the Fusilier enters from the west, and from it comes the entire low-water supply for the Teche.

At the time of the examination in August the cross-section of the Fusilier was 175 square feet at its mouth, and the velocity of the current was about 2 feet per second.

There are large cypress swamps a short distance up the Fusilier which act as reservoirs and prevent any sudden rise of the stream at its mouth, though above the swamps it must be subject to great fluctuations, as it takes the drainage of a large area of prairie and hill country. There is a channel which forms the head of the Vermillion, and when the Mississippi is very high and much water comes down the Teche from the Courtableau, the current runs up the Fusilier and down the Vermillion. The banks of the Teche like those of the Courtableau at Washington are several feet above the highest floods. The overflow from the lower Courtableau covered the land east of the Teche to within a few hundred feet of the top of the ridge forming the bank of the Teche, the drainage being from the Teche towards the Atchalafaya bayou and lakes. I was told that they nowhere connected except, possibly, through some ditches. Mr. Elm's levels gave the fall in the Teche from Arnaudville at the mouth of the Fusilier to Saint Martinsville as 10.2 feet. The distance is 30 miles. Breaux Bridge is 15 miles below Arnaudville, and 7 feet of this fall is in this 15 miles. The remaining 3.2 feet is between there and Saint Martinsville. Except at lowest water a small steamer runs from Breaux Bridge to Saint Martinsville and connects there with larger ones which run on the Teche below at all stages of water.

Between Arnaudville and Breaux Bridge there is an almost continuous line of overhanging trees on one or the other side of the bayou, and in many places on both sides. There are also many logs, the remains of old live-oak trees which had fallen in. The channel is also much obstructed by bars at the entrance of drainage canals or ditches which have been cut into the bayou from fields on its banks to save long drains back, and in rains much mud from the alluvial soil of the fields is washed into the bayou. These ditches are all quite recent and the bars are yet but short, though filling usually about half the cross-section at low-water. In some cases there was a bar 100 feet long, but seldom more than 40 or 50 feet in length. Between these bars there was usually 3 to 6 feet depth and a width of 40 to 70 feet. At the height of the flood of 1874, the bayou was here 200 to 350 feet wide. The depth is greater on tops of these drainage bars below Breaux Bridge, and it is seldom at extreme low-water less than 2 feet, and the pools between have 5 to 8 feet depth with a width of 40 to 80 feet. The high-water cross-section is very nearly the same as that above as far down as Saint Martinsville.

There are no short bends, but the bayou runs in long sweeping bends with gentle curves. From Saint Martinsville to New Iberia I counted 41 snags, which are more or less obstructions, and 5 stumps of trees which have been cut off too high, and at some stages of water form very serious obstructions. There are 16 of the bars caused by drainage ditches, which will, if they are to be removed, require each an average excavation of about 500 cubic yards; some of these bars would be much less than this, and can now be passed with no trouble, but all are growing with every hard rain. There are not more than 20 standing trees which would need removal. There is one wreck at Saint Martinsville, which is very much in the way at very low water, but only one side requires to be taken off; this would leave sufficient room for passage. Only stern-wheel steamers run above New Iberia. For nearly 10 miles above New Iberia the depth at extreme low-water is 6 to 12 feet. The banks are but little washed and there has been no other shoaling than that due to the drainage canals; but at New Iberia the condition of the bayou changes entirely. The width and depth I was told were formerly very much like the first 10 miles above, but now the width is nearly double what it formerly was, and for several miles its low-water depth is but 2½ to 4 feet, and the depth is almost exactly the same for nearly the entire width of the bayou. The cross-section above New Iberia is a natural one, deep in the middle and shoaling towards the edges gradually. The cause of this injury to the bayou must be determined before any plan can be made for the improvement of it. The entire change, so far as it obstructs navigation, has taken place since 1860, but it was probably in progress for years, before that time, unnoticed because it had not interfered with the navigation. When the banks were cleared and roots of the trees gradually rotted, it was less protected from washing than it had been while lined by almost a continuous row of cy-

press trees. Side-wheel steamboats, such as are used below New Iberia, and not above, are so constructed that there is a strong current from their wheels washing the bottom from some distance away from the mid-channel out to the banks, but no current at all in the middle, consequently the heavier portion of the material washed up is deposited in mid-channel behind the boat, and the swell of the boat, which is greater than that from a stern-wheel boat, washes the banks, and causes the widening of the surface. The stern-wheel boat spends the force of its engine on the one wheel at its stern, and the current from it washes up the bottom in the center of the bayou only, and the tendency of the heaviest part of the material washed up would be to the more quiet water of the sides. So it would have a tendency gradually to improve the navigation, while the side-wheel boat far more rapidly destroyed it. Were the bayou wide, so that boats took different paths in passing up and down stream, it would probably make little if any difference whether side or stern-wheel boats were used, but the Teche is so narrow that all boats follow very nearly one path. The fall from New Iberia to the Gulf is probably but very slight, as the current is up or down with the tide at low river, and there is a sufficient depth from a few miles above Charenton down to the mouth of the bayou for all navigation. There are no overhanging trees and very few snags below New Iberia, they having been removed in 1872 and 1873, under an appropriation by Congress.

The only means available to make good navigation of the Teche for the year is to make such dams and locks as are recommended for the Courtableau, and except at high-water have slackwater navigation, giving locks a width of 45 feet in the clear so as to allow the passage of stern-wheel boats, but not wide enough to allow side-wheel boats to pass.

The abutments of these locks would remain during high-water, but the gates would be open and the needles of the dams removed for free passage of the current, so that the sediment deposited would be swept out, as at present, at high river.

The data of the level-line and other information obtained shows that 3 locks with about 7 feet lift each will carry good low-water navigation to Leon's Bridge. If conditions remain as they have been for the past ten years, the end of all low-water navigation in the bayou does not appear to be very distant. The present low-water supply of the Fusilier is ample for lockage, but an increase of it to almost any required extent can be had by storing the flood supply in the cypress swamps above Arnaudville on the Fusilier. The only limit would be the amount of evaporation in protracted droughts, and the one of July and August, 1879, was an unusually long one, yet there was a discharge at Arnaudville of 350 cubic feet per second; it was greater there than below, as that was the only water entering it at the time.

Any attempt at connecting the Teche and Courtableau by slackwater navigation up the Teche would require such an amount of dredging as would make it impracticable, and the supply of water at extreme low stages might be found insufficient for lockage. With the improvements made in other directions this would not be needed.

The commerce of the Teche is very great. The entire supplies of a large part of the best portion of Louisiana are received by this route, and the fuel, fencing, and material for buildings, as well as all ordinary supplies, are brought up the stream; the exports being sugar, cotton, cattle, and many other products which are shipped chiefly to New Orleans. I was told that the Teche country produced more sugar than any other equal area of the State, and that it is possible with increased facilities for production, such as cheaper freights and possibility of shipment at any time of year, to increase the sugar crop of this region to far more than the present entire production of the State. The navigation of the Teche is so connected with that of the Atchafalaya and the various routes of communication between that stream and the Mississippi River, and also with improvement of the other delta bayous De Glaise, Courtableau, Atchafalaya, Plaquemine, and Vermillion, that one general plan should be adopted and carried out, viz, making slackwater in the various smaller bayous, and connecting all of them with the great central channel of the Atchafalaya at different points, and providing for its permanent connection with the Mississippi, either through Red River or Plaquemine.

The estimate for improving the Teche would be as follows:

Removing snags and stumps between New Iberia and Saint Martinsville	$1,500
Removing snags and trees from Saint Martinsville to Breaux Bridge, 15 miles, at $100 per mile	1,500
Removing snags and trees from Breaux Bridge to Arnaudville, 15 miles, at $200 per mile	3,000
Removing snags and trees from Arnaudville to Leon's Bridge, 6 miles, at $150 per mile	900
Dam and southwest outlet of the Fusilier swamps	1,000
Three needle dams and locks, at $15,000 each	45,000
Engineering and contingencies, 10 per cent	5,290
Total	$58,190

No estimate is included in the above for dredging, but it is because, if slackwater navigation is determined on there will be sufficient depth on these bars, and by closing ditches and turning drainage in the other direction, the bars will probably disappear. It may be found that on deepening the upper portion of the bayou by raising the water surface there will be some little dredging of bars needed below the lower dam to make the increased depth above available; but if so, and if a change in the class of boats to stern-wheel boats should not of itself remedy the evil of these bars, it will be soon enough then to dredge the few lower bars when the locks are made.

A chart of the survey is made on a scale of $\frac{1}{5000}$, as far down as Saint Martinsville, below which the chart made by Mr. Duke gives all the available data.

Yours, respectfully,

H. C. COLLINS,
Assistant Engineer.

Maj. C. W. HOWELL,
Corps of Engineers, U. S. A.

EXAMINATION OF TCHEFUNCTE RIVER, LOUISIANA.

UNITED STATES ENGINEER OFFICE,
New Orleans, February 27, 1880.

GENERAL: I have the honor to submit herewith report of Assistant Engineer W. H. Hoffman of an examination of Tchefuncte River, Louisiana, provided for in act of Congress approved March 3, 1879.

Tracing of chart, drawn to a scale of $\frac{1}{5000}$, will be forwarded in a separate package.

Recommendations of Mr. Hoffman as to plan of improvement are set forth in his report and are concurred in. His estimates are also approved and can be expended to advantage on the work during the ensuing fiscal year, viz, $5,460.

I am unable to furnish valuable information concerning the commercial importance of the work. It is not susceptible of permanent completion.

The nearest light-house is on the Tchefuncte River, near Madisonville, La.

Mr. Hoffman was also directed to make an examination of Bayou Castain, which the citizens of Mandeville, La., solicited me to have made with a view to its improvement by the general government, that it might serve as a harbor of refuge for vessels plying on Lake Pontchartrain. The result of the examination is appended to Mr. Hoffman's report on the Tchefuncte, and his recommendations as to plan of improvement of Bayou Castain and estimates are approved.

The amount, $3,410, can be expended to advantage on the work during the ensuing fiscal year.

The collection-district and nearest light-house are the same as for the Tchefuncte River.

Very respectfully, your obedient servant,

C. W. HOWELL,
Major of Engineers.

Brig. Gen. H. G. WRIGHT,
Chief of Engineers, U. S. A.

P. S.—Tracing of chart, drawn to a scale of $\frac{1}{2500}$, will be forwarded in a separate package.

REPORT OF MR. W. H. HOFFMAN, ASSISTANT ENGINEER.

NEW ORLEANS, LA., *January* 31, 1880.

MAJOR: I have the honor of submitting to you the following report on the examination of the Tchefuncte River, Louisiana.

A survey of this river was made in 1871, by the late Lieut. E. A. Woodruff, United States Engineers, and a tracing of the chart made by him was used on which to note all changes which have taken place since that time. Cross-sections were taken at the most important points, following lines of soundings made by Lieutenant Woodruff nearly as possible. Covington is at the head of navigation on the Bogue Falaya, which is only navigable for small schooners to this point, steamers stopping at Covington Landing, 2 miles below. There are many snags and overhanging trees on the portion of river between the steamboat landing and Covington, and the channel is very crooked; bends are very sharp; banks are of sharp sand and almost constantly changing in freshets. Many bars are found with too little water to allow larger vessels to pass than the small schooners at present found. No other improvement than removal of snags and overhanging trees is advisable, as cut-offs, which captains of schooners so much wish, would only result in increasing the caving of the bank and would probably injure the river below, where it is now good. Below the mouth of the Abita, the bank has a gentle slope towards the river, and is nowhere caving; there is a wide, deep channel, fully sufficient for any possible want of navigation. The banks on the lower part of the river are sea marsh, covered at high tide. The entrance of the river into Lake Pontchartrain has a bar on which is found but 5½ feet at a common low-tide. During northers there is fully 1 foot less, and at such times the harbor is most needed as a harbor of refuge for vessels from all coast ports as far east as Pensacola, coming into Lake Pontchartrain during a norther.

The entrance to New Orleans basin canals, on the lake, is a very difficult one, and very dangerous indeed with a norther blowing. The chief business of the steamers running in this trade is carrying passengers to and from the sea-side watering-places, and for them some safe harbor on the north side of the lake is very important. The harbor to which improvement of this bar would give these access is one of the best possible for such purposes. The river is several hundred feet wide and 20 to 30 feet deep, for 2 miles, up to Madisonville, where steamers can tie up at the bank at any time. The bar is made of sand and shell washed from the lake and not from material carried out by the river, which is a clear-water stream. The constant progress of the point and the bar to the southwest, and the washing away of the west side by the current, shows that the bar is the effect of the washing of the sand of the lake beach to westward along the coast. The winds affecting this shore blow from southeast, and a jetty to protect the entrance from this wash of sand from eastward may be found necessary to retain the channel, even if one should be dredged out, as can be easily done.

Estimate for the improvements is as follows:

Removal of all snags to Covington	$300
Removal of all overhanging trees	500
Dredging on bar 15,000 cubic yards, at 25 cents	3,750
Add for engineering and contingencies, 20 per cent	910
Total	5,460

At the urgent solicitation of the citizens of Mandeville, an examination was made of Bayou Castain, the mouth of which was formerly their harbor, on Lake Pontchartrain, but its entrance from the lake is now so filled as to be useless. The bayou drains about 10,000 acres of timbered land, and during rains there is sufficient current to wash out the sand from the entrance and give a channel across the bar at times as deep as 4 feet, but unfortunately, with the first blow from the southeast it is filled with sand; seldom remaining open for a week, and filling so as to leave but ½ a foot of water over the sand. This washing-out process gave the idea of making a permanent entrance, and a charter was secured from the State; cribs were made and slightly ballasted with brick, placed on each side of the entrance. A few of these cribs remain, and as far out as they go the channel remains, but most of the cribs washed ashore and the work was abandoned from want of money for continuing it. The success of this crib work, so far as it went, shows that a jetty properly built would keep the sand from filling the channel, the filling all being made by sand washed along shore to westward. There is a depth of 6 to 7 feet in the bayou, and were the entrance so improved as to give a depth of 5 or 6 feet on the bar, the commerce of the town would be greatly benefited, and the harbor thus made would be available as a harbor of refuge on this north shore during the gales of the fall and winter months.

Mandeville is one of the coast watering places and during the summer and fall from one to three steamers stop there every day, and one daily during the remainder of the year. There are also many schooners.

The estimated cost for the improvement to be made is as follows:

12,400 cubic yards dredging, at 25 cents	$3,100
Add 10 per cent. for contingencies	310
Total	3,410

Yours, respectfully,

W. H. HOFFMAN,
Assistant Engineer.

Maj. C. W. HOWELL,
Corps of Engineers, U. S. A.

EXAMINATION OF TICKFAW RIVER, LOUISIANA.

UNITED STATES ENGINEER OFFICE,
New Orleans, February 27, 1880.

GENERAL: I have the honor to submit herewith report of Assistant Engineer H. C. Collins of an examination of Tickfaw River, Louisiana, made by Civil Assistant H. S. Douglas, as provided for in act of Congress approved March 3, 1879.

Tracings of chart, drawn to a scale of $\frac{1}{5000}$, will be forwarded in a separate package.

Recommendations of Mr. Collins as to plan of improvement are set forth in his report and are concurred in. His estimates are also approved; the total amount of which can be expended to advantage on the work during the ensuing fiscal year, viz, $10,230.

The commercial importance of the work is given in the report of Mr. Collins.

The work is not susceptible of permanent completion.

It is located in the collection-district of New Orleans. The nearest light-house is at the mouth of Pass Manchac, Lake Pontchartrain.

Very respectfully, your obedient servant,

C. W. HOWELL,
Major of Engineers.

Brig. Gen. H. G. WRIGHT,
Chief of Engineers, U. S. A.

REPORT OF MR. H. C. COLLINS, ASSISTANT ENGINEER.

NEW ORLEANS, LA., *January* 31, 1880.

MAJOR: I have the honor to submit the following report of the examination of Tickfaw River and its navigable branches. The Tickfaw River rises in the State of Mississippi and empties into Lake Maurepas. North of the beginning of this survey the river is at low-water but a succession of pools, connected by ripples, over which in long droughts but little water flows, and its banks are high rolling pine woods land, or a bottom once washed out by the stream and heavily timbered, covered in freshets by the river.

The survey was made by H. S. Douglas, assistant engineer. He began at the crossing of the Baton Rouge and Ponchatoula road, where the stream is 60 to 80 feet wide and 5 to 10 feet deep at low-water; but there are bars where but 3 feet is found. The first 6 miles, above Mr. Chapman's place, is so choked by old logs, snags, and trees blown in by the gale of September last, as to be almost impassable even for a skiff, and there is an almost continuous line of overhanging trees on one side or the other. On the fourth mile from the beginning is Whetmore Island, where the river divides, one part passing to the west of the island, having at its head much the largest cross-section, is entirely blocked by raft of snags, trees, and drift, and the other part, passing to eastward of the island for nearly a mile, is but 2 feet deep and less than 30 feet wide in places, and much obstructed by timber standing and fallen. This island and

its two obstructed channels are probably the dam which makes the 4-mile pool above, and at low-water any improvement of these channels will probably draw off the water above; but below the island the character of the river changes to a tidal stream, with a current depending entirely on the tide, except at freshets.

From Chapman's place to Mr. Settoon's place is 4 miles, and, though the depth is nowhere less than 4 feet and the width great enough, so that schooners or steamers could easily navigate it, they are entirely prevented by the great number of logs and the overhanging trees. Mr. Chapman made one cut-off many years ago, and attempted to make another one, but failed to turn the river through the second, and it can yet be easily closed and saves half a mile of river and 4 bends of 240° or more each, while his cut would give a long, straight reach. The first cut-off which he succeeded in making was an unimportant one, shortening the river so little as not to appreciably change the slope, and these, so far as could be learned, were the only attempts to interfere with the river. The banks are nowhere caving, and once cleared the channel would probably remain good. The bottom-land is so low that it is covered with every freshet, and is not liable to be cleared so as to form cut-offs; a growth of cane protects it from washing. The water is almost absolutely free from any earthy material in suspension, but is colored to a dark coffee-color by cypress and gum. Mr. Settoon's place is now the head of navigation for schooners, which they find great difficulty in reaching from the great number of trees blown in by the September gale. There were many old snags and some overhanging trees forming obstructions before. Below this there is nowhere less than 9 feet depth in the channel; 8 miles below Settoon's Blood River enters from the north; it is but a tidal stream so far up as it is navigable (about 4 miles), and the width is 80 feet or more and the depth about 10 feet. There are many old snags and trees and some overhanging trees. Bluffs touch the river sufficiently often to afford landing places. From the mouth of Blood River to the Natalbany is 6 miles, and from thence to Lake Maurepas is 2 miles. This distance has a channel fully 250 feet wide and a depth of 10 to 20 feet. The Natalbany enters from the north and is navigable to the town of Springfield, 10 miles above its junction with the Tickfaw. The depth is nowhere less than 10 feet in the channel, and it has a sufficient width to turn a schooner or steamer almost anywhere, but it is somewhat obstructed by snags, trees, and overhanging trees. The Ponchatoula River is the most easterly branch, and enters the Natalbany 4 miles above its junction with the Tickfaw. Except during freshets it is entirely supplied by tide-water, and rises and falls with the lake.

The survey of it began at the bridge on the Baton Rouge and Ponchatoula road, to which point there is sufficient width and depth for navigation, but the first 2 miles is much obstructed by overhanging trees and by logs and trees in the water. Below Wadesborough there is now navigation for schooners, but the channel is much obstructed by overhanging trees, by trees blown in during the gale of September, and by old logs and snags. Each of the three branches of the Tickfaw is of more commercial importance than the main stream, and removal of the obstructions will facilitate communication with New Orleans, and make it possible to use steamboats instead of schooners. Any increase in regularity and speed of the means of communication will promote settlement of the country and increase its commerce. The schooners now coming to these rivers during all the year (except the three or four dull months of summer) are about as follows:

	Schooners per week.
To the Natalbany	4
To the Ponchatoula	3
To the Blood River	2
To the Tickfaw	3

Besides the freight of these schooners, great quantities of hewn timber, spars, and saw-logs are floated out, and are to be included in the commerce of these rivers.

The depth of water, which depends entirely on the height of water in Lake Maurepas, is never so little as in the least to affect navigation, and there is at lowest water of a winter norther 7 feet of water over the bar at the mouth of the Tickfaw in the lake, but the bar at the mouth of Pass Manchac in Lake Pontchartrain has but 6 feet depth, and at low tide, with a northwest wind, less than 5 feet. The entire commerce of these rivers, and the Amite and other rivers entering Lake Maurepas, must all pass this bar. No survey has been made of it, but from information given by captains of vessels passing there, I think it will require about 20,000 cubic yards of dredging to make a good channel. The available depth is said to be much less than it was previous to the breaking of the Bonnet Carre crevasse in 1874. Most of the water from that source now finds its way into Lake Maurepas, and from it alone comes the mud for a bar at the mouth of Pass Manchac, as all the rivers entering the lake are clear-water streams. The cost of dredging the 20,000 cubic yards will be about 25 cents per yard, or $5,000 for the whole, if the information should prove correct as to its amount, and if nothing but dredging were required.

On the banks of the Tickfaw and each of its branches are many shell mounds which are kitchen refuse of some ancient race. The shells of these mounds are mostly the gnathodon clam, which is now found living in the lake below, and throughout the mounds are pieces of broken pottery and bones in small amount compared with the shells; but all bones of any size show marks of having been cooked and of having been split to get at the marrow. They are part animal—deer, &c.—and in part human bones. The mounds are like those found on all other rivers on this part of the coast. These shells would be of value if works were made to improve Lake Pontchartrain navigation. The improvement of the Tickfaw River far above the head of the present survey would open a country where are growing great forests of yellow pine, and afford means of floating it out; far less work would be necessary for this than for any purposes of navigation. In its present condition the upper river, even in highest water, cannot be used for rafting. From the head of the survey down to the Chapman place, closure of one fork at Whetmore Island, and removal of the snags and trees now may give the water of the next one or two high river seasons a chance to wash out one channel to an extent to make it navigable. It is quite probable that a little washing on the shoal places will show that they are really but sunken logs slightly covered with sand; and, if so, removal will at once make the river navigable to the head of the survey. Estimates for the improvements proposed will be as follows:

Tickfaw River from head of survey at Van Buren place to Chapman's place, 6 miles, at $500	$3,000
Chapman's to Settoon's place, 4 miles, at $300	1,200
Settoon's to lake, 16 miles, at $100	1,600
Blood River, 4 miles, at $100	400
Natalbany and Ponchatoula Rivers, 15½ miles, at $150	2,325
Add for contingencies, &c., 20 per cent	1,705
Total	10,230

A chart of these rivers has been made on a scale of $\frac{1}{5000}$, showing all visible obstructions and character of the banks, soundings at low-water, &c.

Yours, respectfully,

H. C. COLLINS,
Assistant Engineer.

Maj. C. W. HOWELL,
Corps of Engineers, U. S. A.

EXAMINATION OF AMITE RIVER, LOUISIANA.

UNITED STATES ENGINEER OFFICE,
New Orleans, February 27, 1880.

GENERAL: I have the honor to submit herewith report of Assistant Engineer H. S. Douglas of an examination of Amite River, Louisiana, provided for in act of Congress approved March 3, 1879.

Tracings of chart, drawn to a scale of $\frac{1}{5000}$, will be forwarded in a separate package.

Recommendations of Mr. Douglas as to plan of improvement are given in his report, and are concurred in. His estimates are also approved, and can be expended to advantage on the work during the ensuing fiscal year, viz, $23,760.

I am unable to furnish valuable information concerning the commercial importance of the work other than that given in the report of Mr. Douglas. The work is not susceptible of permanent completion.

It is located in the collection district of New Orleans. The nearest light-house is at the mouth of Pass Manchac, between Lakes Maurepas and Pontchartrain.

Very respectfully, your obedient servant,

C. W. HOWELL,
Major of Engineers.

Brig. Gen. H. G. WRIGHT,
Chief of Engineers, U. S. A.

REPORT OF MR. H. S. DOUGLAS, ASSISTANT ENGINEER.

NEW ORLEANS, LA., *January* 31, 1880.

SIR: In obedience to instructions received from you, I left New Orleans August 18, 1879, for the purpose of making an examination of the Amite River, Louisiana, and have the honor to submit this my final report, with accompanying charts.

The river was traversed with transit and stadia, and soundings taken for 73½ miles, commencing at Thompson's Bridge, where the road from Clinton to Amite City crosses the river, and ending at the point where Bayou Manchac joins the Amite. Below that point a running examination was made, as per orders.

The Amite, or old river Bienville, below Bayou Manchac, had been previously surveyed in the year 1867, by Lieut. J. K. Hezlep, United States Engineers. (See Report of the Chief of Engineers for 1868, page 486.)

For convenience in description I divide the river into three sections in reference to the cost and difficulty of improving the same. All obstructions are delineated on the accompanying charts, and a minute description of the same, mile by mile, would be tedious.

FIRST SECTION

comprises the distance from Thompson's Bridge to the end of the fortieth mile, and will all be found on chart No. 1.

The river meanders through a heavily timbered valley or bottom land which averages about 1 mile in width, and subject to overflow during floods. The margin of this valley and the high-water banks of the river is a high rolling country, thickly settled and well cultivated. In its meanderings the river occasionally strikes this high country, and in such cases the bluff averages from 20 to 30 feet in height.

Timber of almost every variety abounds in the valley, cypress, pine, and beech, being the most prevalent, but owing to the numerous obstructions in the stream it is never rafted to a market.

The obstructions are chiefly trees, which have fallen in by the caving of the banks, caused by the swift current during floods. The general character of the stream is a succession of pools, sometimes over a mile in length and not less than 4 feet in depth, connected by ripples or shoals, there often being not more than 1 foot of water over them. The bed of the stream is generally gravel or sand, and the shoals are invariably composed of these materials.

There are a number of island chutes which would require to be closed, as the river during low-water cannot bear any diversion of its volume from the main channel. But few cut-offs exist, and those that do have been made by the river itself and not by artificial means. The average width of this section is 100 feet, with a least depth of 1 foot; maximum velocity of current at high-water, 4.4 feet per second; average velocity at low-water, 1.4 foot per second. The obstructions to be found consist of about 450 snags, 300 fallen trees, 200 overhanging trees, and 20 standing trees. The removal of these, together with the closure of 19 island chutes, and clearing out of two cut-offs, would give a low-water channel of 20 inches. One bridge would have to be converted into a draw or removed.

The removal of these obstructions would cost $300 per mile, making a total for the 40 miles of $12,000.

SECTION NO. 2

includes from the fortieth mile to the junction of Bayou Manchac, 73½ miles from the initial point of the survey, comprising 33½ miles of river. The valley of the river is the same as that of the first section, but the width and depth of the stream are greatly increased. On the forty-first mile it receives from the west its first tributary of any size, Sandy Creek, and on the fifty-sixth mile it is joined by the Comite, a stream of about one-half the volume of the Amite. The addition of these two streams increases the average width to 175 feet. The present least depth below Sandy Creek is 2 feet, and below the Comite 3 feet. There are no ripples, and the velocity of the current is decreased, the fall being divided over the entire distance instead of being concentrated at the ripples or shoals. The maximum velocity is 2.2 feet per second, minimum 0.4 feet per second. The obstructions to be removed consist of about 175 snags, 140 fallen, 100 overhanging, and 35 standing trees; also about 10,000 running feet of bank to be cleared of projecting willows. There are three island chutes to be closed, three cut-offs to be cleared out, and one bridge to be removed or converted into a draw. The removal of these obstructions would give a low-water channel of 3 feet.

The amount required is estimated at $150 per mile, making a total for the 33½ miles of $5,025.

SECTION NO. 3

comprises from Bayou Manchac to Lake Maurepas, 37 miles, is a tide-water bayou, with ample depth for all vessels navigating it. Before the closure of Bayou Manchac,

this bayou, together with the Lower Amite, formed one of the many passes through which the waters of the Mississippi found their way to the Gulf, and was then known as the river Bienville. There is at the present time a line of steamers running between New Orleans and Hope Villa on Bayou Manchac. The chief obstructions complained of by these boats are the bars at the mouth of the Manchac and at the mouth of the Amite in Lake Maurepas, but as no line was run upon this portion of the stream, there is not sufficient data to base an estimate for their improvement upon. Any improvement of these bars would necessitate the same upon the one at the Lake Pontchartrain end of Pass Manchac, as the depth of water upon all three is about the same, varying from 5 to 6 feet at low-water, the least depth being during the prevalence of northwest winds.

Four and a half miles below Manchac is the town of Port Vincent, and from here to Whitehall, 16 miles below, the banks are quite thickly settled; this portion of the river having the immediate banks the highest and sloping back to the swamp. From Whitehall to the lake the banks are swamp, with an occasional shell bank. The obstructions consist of 45 snags, 26 fallen and 42 overhanging trees. There is nowhere in the river less than 15 feet of water, and, except during floods, the current depends upon the tide.

An estimate of $75 per mile is made for this section, making the total amount for the 37 miles $2,775.

RECAPITULATION.

First section, 40 miles, at $300 per mile	$12,000
Second section, 33½ miles, at $175 per mile	5,025
Third section, 37 miles, at $75 per mile	2,775
Add 20 per cent. for engineering, contingencies, &c	3,960
Total	23,760

The commerce to be benefited is large and important, as the river is bordered by plantations, the most of which are engaged in the cultivation of cotton. Should the upper river be opened to navigation, at least 10,000 bales of cotton, besides considerable sugar, corn, and all varieties of country produce, together with lumber and wood, would find their way by this route to a market. At present all produce has to be hauled overland, either to the Mississippi River or Jackson Railroad.

Staves, shingles, lumber, and wood are the principal products of the lower river, and a considerable quantity of sugar and molasses comes from Bayou Manchac. The return trade would be large, as all persons residing on the river would obtain their supplies by this route. The present value of the commerce of that portion of the river navigated is about $250,000 per annum.

The Amite River is the natural drain of all the country lying between it and the Mississippi River, and its headwaters extend far up into the State of Mississippi. The bed of the stream is not sufficient during heavy rains to carry off the drainage of this immense area, and in consequence it overflows its entire valley, sometimes rising 15 to 18 feet in 24 hours, this being its range between high and low water at Williams's Bridge.

Your assistant was informed that in years past the subject of improving this river had been agitated, and that the State government had appropriated $75,000 for that purpose. With this appropriation the river was cleared of obstructions as far up as Denni's Mill, 22 miles below the initial point of the present survey.

All the inhabitants take a deep interest in the proposed improvement, and your assistant and his party were treated with the utmost hospitality, and every assistance required cheerfully afforded.

Very respectfully,

H. S. DOUGLAS,
Assistant Engineer.

Maj. C. W. HOWELL,
Corps of Engineers, U. S. A.

EXAMINATION FOR A CANAL TO CONNECT THE WATERS OF BAYOU TECHE, AT CHARENTON, WITH GRAND LAKE, LOUISIANA.

UNITED STATES ENGINEER OFFICE,
New Orleans, February 27, 1880.

GENERAL: I have the honor to submit herewith the report of Assistant Engineer H. C. Collins of an examination for a canal to connect the waters of Bayou Teche, at Charenton, with Grand Lake, Louisiana, provided for by joint resolution approved June 28, 1879.

A plot showing the location of the proposed canal, and profiles, drawn to a scale of $\frac{1}{2500}$, will be forwarded in a separate package.

Recommendations of Mr. Collins as to plan of improvement are concurred in. These will be found in his report, appended hereto. His estimates are also approved, and can be expended to advantage on the work during the ensuing fiscal year, viz, $73,196.40.

The work will constitute a permanent improvement, in the ordinary acceptance of the word permanent. The work is of very considerable importance, as set forth in Mr. Collins's report.

The work is situated in the collection-district of New Orleans. The nearest lighthouse is at the mouth of the Atchafalaya River.

Very respectfully, your obedient servant,

C. W. HOWELL,
Major of Engineers.

Brig. Gen. H. G. WRIGHT,
Chief of Engineers, U. S. A.

REPORT OF MR. H. C. COLLINS, ASSISTANT ENGINEER.

NEW ORLEANS, LA., *January* 31, 1880.

MAJOR: I have the honor to submit the following report of the examination for a canal at Charenton, to connect the waters of Bayou Teche at Charenton with Grand Lake, Louisiana.

I arrived at Charenton on the 22d of November, and found Mr. Edward Sillon, E. Maynard, and Alfred Fusilier, the parish surveyor, who gave me all necessary information about land lines and high and low-water marks, and, with other citizens, gave all the assistance needed in measuring distances and running the level lines. All were very much interested in the proposed improvement.

The actual distance from water edge in the lake to Bayou Teche is 5,594 feet at low-water, but for the canal 5 feet in depth at low-water 1,000 feet from shore line in the lake to the channel must be added to this distance. The land crossed is an old sugar plantation. All was once in cultivation, but is now, except a small field, abandoned to common pasture. It is entirely free from trees or stumps.

There is no swamp, and, though no borings were made, the universal experience along this portion of the Teche in digging wells for stock water, &c., would show that there is no quicksand to interfere with the excavation of the canal.

At the time of the survey the wind had blown for several days from the northwest, and the water was at the extreme low stage only reached at low river after northers.

In the Teche the water was 1.593 feet below a mean low-water mark established by Mr. Fusilier from the experience of many years on the bayou. In Grand Lake it was 2 feet below the black low-water line on piles and cypress trees in and near the water.

The depth in the lake, when the channel was reached, 1,000 feet from shore, was 4 feet, and soundings were made three-fourths of a mile further with no change of depth, and I was told that the depth was uniform entirely across the lake to Bayou Pigeon, but that it was deeper northward to the channels leading into the lake from the Upper Atchafalaya.

The bottom was blue mud, quite stiff, with many shells of gnathodon clam, both alive and dead; and the shore just eastward from the proposed mouth in the lake is a ridge 15 feet high in places of the same shells.

The plantation is known as the Mossy Tract and belongs to the Citizens' Bank of New Orleans. Mr. Sillon had communicated with its officers and had found them willing to grant the right of way free; which they could well afford to do, as it would give them a permanent levee on the upper line of the plantation.

The height of water in the Teche was 0.097 feet above that of the lake November 23, and at low-water there is seldom any material difference in the water levels.

The flood of 1874 was the highest known in Grand Lake and its height was 12.776 feet above extreme low-water, reaching to within 500 feet of the water of the Teche, and the narrow ridge between them was here but 1.383 feet high. The water of the Teche at the same time was 2.889 feet below that of the lake, and, though the highest known in the Teche, was but 9.790 feet above extreme low-water. The low-water supply of the Teche is mainly by Bayou Fusilier and entirely from rains of the region to westward of the Teche. The waters of the Teche join those of Grand Lake at the

junction of the Teche and Atchafalaya, but it is about 80 miles around by water from Charenton to the lake end of the proposed canal.

Directly across Grand Lake, about 9 miles, is the mouth of Bayou Pigeon, which forms a direct navigable connection with Grand River and through it with Plaquemines Bayou, and, if a lock should be made in this bayou so as to form a connection once more with the Mississippi River, this would be by far the nearest route for water communication between the Teche country and New Orleans. Before that time it would save about 75 miles over the present route and connect with it at Butte-a-La-Rose or below, avoiding the worst portion of the present channel, and having a low-water depth 1½ feet greater. There is a network of bayous between the Teche and the Mississippi River, all connecting with the Atchafalaya. Many of these bayous are now closed to navigation by blocks of raft. The navigable channels and those capable of being made so could only be known on a full careful survey of the entire Atchafalaya and its connecting bayous, which has never yet been made.

For this canal a cut 50 feet wide at the bottom will be sufficient for commerce, and banks with a slope of 1 to 1 will probably stand in that kind of soil.

A basin 600 feet long and 100 feet wide is proposed about the middle of this canal to give room for passing of boats and a place for them to lay up in case of necessity. The navigable depth of the route will be at mean low-tide of ordinary low-water 5 to 6 feet. As the cut requires to be carried out 1,000 feet into the lake, a breakwater may possibly be found necessary on the east side, which is the only one exposed to danger from storms.

This proposed canal is peculiar in one respect. At times of sudden rise in the Mississippi or break of its levees, Grand Lake in some extreme case may rise nearly 5 feet higher than the water of the Teche. This extreme difference would last for but a few days, but a difference of nearly 2 feet would be a common case in time of high-water in Mississippi River. At low-water seasons a difference of 2 or 3 feet is at times found. This makes a lock necessary in the canal, and one with double gates, so that it can be used in either direction.

The amount of water for lockage would, in the nature of the case, be unlimited, so that two abutments, with the gates at a distance of 500 feet or more apart, would make a lock, the sides of which would need no other wall than the earth bank of the canal. The abutments carrying the gates would need to be long enough for the double pair of gates. The width of the clear passage should be 45 feet, and the gates would remain open at all times when the difference of level was so little as not to cause a scouring current. The excavated earth would form embankments far above all overflow. Estimate for the work would be:

183,988 cubic yards excavation, at 25 cents	$45,997 00
Gates and abutments, approximate	15,000 00
Add for contingencies 20 per cent	12,199 40
Totai	73,196 40

The commerce to be benefited by the proposed canal is now annually 15,000 cypress trees, which have to be towed 80 miles farther than necessary, and 35 of which is over an open lake where rafts are frequently broken up and lost, at an extra expense of not less than $1 each. Five hundred thousand barrels of coal now used, at an extra expense of not less than 5 cents per barrel for towage and risk, probably much more than that. The entire amount of all the lumber now used on the Upper Teche, all of which comes from the Upper Grand Lake country and above, and all of the fencing, would also be saved that distance of towage, as it also comes from the swamp bayous of the Upper Atchafalaya region, passed the head of Grand Lake. The amount of these is not known, but is very great. Also, all the sugar and cotton raised in the Teche country, and that coming down it from farther west, would have a route shorter by 75 miles than at present, and a low-water depth 1½ feet greater at least.

Commerce would be greatly increased as the lands of the bayou and those of the prairie country to westward were brought more fully into cultivation.

This canal, however, forms but a connecting link in the general plan for improvement of the bayous of the whole delta region. Although it alone would be of great benefit to the inhabitants of the Teche country, its value would be greatly increased if the work on the Teche, Atchafalaya, and its connections above with Red River and Courtableau, and the shortened route into the Mississippi by way of the Plaquemines Bayou were completed.

Plot and profile of the canal are made on scale of $\frac{1}{2500}$.

Yours, respectfully,

H. C. COLLINS.

Maj. C. W. HOWELL,
Corps of Engineers, U. S. A.

SUMMARY OF PRECEDING REPORTS ON EXAMINATIONS AND SURVEYS OF WATER-COURSES IN LOUISIANA.

UNITED STATES ENGINEER OFFICE,
New Orleans, February 27, 1880.

GENERAL: I have the honor to submit herewith report of Assistant Engineer H. C. Collins on the various surveys and examinations recently made in Louisiana, under my direction, as provided for in the river and harbor act approved March 3, 1879. This report is a summary of the different reports of examinations and surveys, and a condensation of the plans and estimates submitted with a view to the general improvement of the water-courses surveyed.

Very respectfully, your obedient servant,

C. W. HOWELL,
Major of Engineers.

Brig. Gen. H. G. WRIGHT,
Chief of Engineers, U. S. A.

REPORT OF MR. H. C. COLLINS, ASSISTANT ENGINEER.

NEW ORLEANS, LA., *January* 31, 1880.

MAJOR: The surveys on which Messrs. Douglas, Hoffman, Elms, and myself have been engaged since the last annual report can be divided by the Mississippi River into two parts.

The portion east of the Mississippi consists of examinations of the Pearl River, Mandeville Harbor, Tchefuncte River, Tangipahoa River, the Tickfaw and its branches, Ponchatoula, Natalbany, and Blood, and the Amite rivers.

A large portion of the work required on these streams consists of removal of snags, logs, and trees from the channel, and overhanging trees from their banks, but includes some dredging at the entrances of Tchefuncte and the Bayou Castain at Mandeville.

Fuller data are necessary than could possibly be obtained for Pearl River before finally determining on the exact route for the new channel to follow. The distance to be examined and the time possible to spend upon it were so disproportionate that but one line could be followed. Should an appropriation be made for work on the lower portion of the river, a few weeks will be required for its further examination, not in regard to the possibility of improving it or the necessity of so doing, but only the details necessary for deciding on the route to be followed.

The importance and feasibility of the improvement were fully shown by the examition.

The harbor at Mandeville can easily be made, and such a harbor, besides accommodating the trade of the town, would frequently prove a safe harbor of refuge for shipping during the gales.

There is little work to be recommended for the Tchefuncte River. Some removal of snags and trees will be useful and is needed, but it is not practicable to much improve the river except at great expense, not warranted by the good to be derived, but an improvement of the bar where it enters Lake Pontchartrain, so that it will be possible to cross at any time, is very much needed, and will be but a slight expense compared with its importance as a harbor of refuge for the shipping on the lake, as well as for the vessels going into the river during the frequent gales.

The examination of Tangipahoa River, which was made last winter by Mr. Douglas too late for action by Congress at that time, showed that the expense of carrying navigation nearly 60 miles up that river would not be great, and that it would give a great relief to farmers in transportation of their produce and for manufacturers who have begun business on its banks.

The improvement of Tickfaw River and its tributaries, costing but little in all, would open an extensive and valuable country to commerce, and very much improve the facilities for that at present existing.

Mr. Douglas's survey of and report on the Amite River shows the importance of that stream to a large tract whose only outlet to market it is, and the great help which extension of the navigation about 60 miles above its present head would be to the inhabitants near it. The improvement of the rivers emptying into Lake Maurepas would lose much of its importance unlesss Pass Manchac, connecting Lake Maurepas with Lake Pontchartrain, should also be improved.

Although no survey of this pass was made, it was ascertained from parties considered reliable that the depth of water over the bar at the entrance of the pass into Lake Pontchartrain was only 5 feet at ordinary low-water, and during northers nearly a foot less. Five thousand dollars would probably increase the depth to the advantage of commerce through the pass.

The examinations west of the Mississippi River were on bayous of the delta of that river, where the present commerce is immense and constantly increasing.

One class of these bayous has lost the connection with the Mississippi which the other class yet retains, and must be treated in a different manner from those receiving their supply from the Mississippi.

Bayou Terrebonne is the only one examined belonging to this class. The entire class are now merely tide-bayous, and at their sea-ends the shoal bays are encroaching on the sea-marsh banks and tending to level down the little irregularities, not probably taking the 10-foot curve of the Gulf at all shoreward, but on the contrary advancing it, while washing away the narrow strips of sea-marsh near the outer ends of the bayous, which were always covered at high tides.

So long as the connection with the Mississippi remains open, as is the case with La Fourche, the bayou will retain its side walls of sea-marsh and gradually push them seaward, while waves of the Gulf pile up a portion of the material carried out as a chain of coast islands.

Between the mouths of La Fourche and Atchafalaya the whole delta front now appears to be undergoing this rounding-off and leveling process. There are many bayous included, all of which have lost their connection with their former source of supply in the Mississippi. Terrebonne and Timbalier Bays have become practically but one bay by the disappearance of the narrow tongue of sea-marsh which divided them in 1860, which was made and sustained only by additions received from the Mississippi through Bayou Terrebonne.

So far as Bayou Terrebonne and similar bayous are concerned, no help can be given them which will materially improve them, except some tide-water canal which should connect the whole region from the Mississippi west, dredging through the sea-marsh, following the course of available bayou, bay, and lake channels to save dredging, opening in this way the entire seaboard to internal navigation to the Texas State line at least. The subject was noticed in the report on the inland water-route in 1874.

Parts of this work are now being done by private enterprise on different charters from the State. There are several such canals that have been abandoned, and those that are kept open cost about as much for repairs as the receipts from tolls amount to.

The remainder of the bayous examined are those which connect with the Atchafalaya. The first of these is Bayou De Glaise, which enters the Atchafalaya at Simmsport, a few miles below its head. It is only for a few months of the year that there is any natural supply of water for open navigation of this bayou, and that comes from Red River or back-water from the Mississippi. Lake Pearl is its head. The lake and its adjoining low cypress swamps will, as a reservoir, hold a supply sufficient to last through any but protracted droughts for lockage of the low-water season.

Level-lines were not run on any of these examinations, but sufficient data were obtained from high-water marks and height reached by any given back-water to show that it will take but three locks, each of which would require a lift of 7 to 8 feet, to open this rich and productive country to commerce throughout the year.

The plan for needle-dams, with permanent supports for the needles and abutments for the gates about 200 feet apart, using the walls of the bayou as lock-walls, is applicable to this bayou. The plan is a modification of that so extensively in use in France, and is so changed as to fit the peculiar circumstances of these bayous. At high-water needles would be removed and gates opened, giving free passage 25 feet wide.

Evergreen village is 7 miles from what would be the head of permanent navigation with these improvements; it is situated on "The Bay Hills." Valleys are cut through this high land, the one between Avoyelles Prairie and Bay Hills being occupied by the De Glaise and Bayou Rouge, a connecting bayou, which, during very high water takes some of the water from Bayou De Glaise, 2 miles below Lake Pearl. Bayou Rouge is joined by Bayou Huffpower from the Boeuf, and, running to the southeast, reaches the Atchafalya at Churchville, where it has a dam to retain its water for navigation, which would otherwise be like that of the De Glaise. A small steamer brings out freight, and it is transferred across the levee at Churchville to larger steamer in the Atchafalaya. The Boeuf runs in great sweeping bends, such as must have been made by some much larger stream than it now is. It passes between the Bay Hills and the bluffs of Rapides and Saint Landry parishes, which it touches only near the town of Washington for a few miles, but the drainage of which now furnishes the entire supply of water for its navigation, as the former connection with Red River has been cut off by dams on Bayou Robert and Bayou Rapides. The Red River deposit is found throughout the whole series of Bayous Teche, Boeuf, Vermillion, and Atchafalaya; beneath it is this blue clay, wherever banks are so washed as to disclose their ancient courses.

The Boeuf is now like a canal in its cross-section and needs but locks to make it one in fact. Above Washington the width of gates need not exceed 25 feet and the length of locks 200 feet, which is sufficient for its commerce and that of the De Glaise, but below Washington the width should be 45 feet and the length 300 feet as well as on the Teche.

The reports on the Boeuf, Courtableau, and Teche contain the results of their examinations, but there is need of a thorough survey of the Atchafalaya and its many connecting branches, known under many names, including Grand Lake and the whole series of channels from Red River down to Atchafalaya Bay. Small portions of these have been at times surveyed, but there is no connected accurate chart of the whole possible from existing data.

The connection of the whole series with the Mississippi will probably be by means of a lock in Bayou Plaquemine, and by this route will the commerce of the Red River and its tributaries, as well as the western delta bayous, reach New Orleans, which is the natural center of the whole delta country.

Major Benyaurd has made a survey, plans, and estimates for the improvement of this route in connection with the Red River; for this bayou navigation it is fully as important as for Red River.

Nowhere else in the United States are the conditions similar to those of this Mississippi region. In other places ridges form the divides between streams and water runs to the streams.

The area of tillable land includes in most cases all the land between where it is not mountainous, except those bottom-lands on the immediate banks of streams subject to so great an overflow as to endanger cultivation, while here in the delta all the tillable land is on the immediate banks of present or extinct streams and the slope is back towards swamps which receive the drainage and the overflow of the bayous and which are covered with cypress forests on the older swamps or with sea-marsh below near the Gulf. These banks are the only ridges.

From the dependence of these bayous on the Mississippi or Red River for their supply of water above the level above which tide-water rises, many of them have so little water that they are useless for purposes of navigation during all the low-water season, during which in the sugar and rice districts, including all below Red River, the greatest depth is required for transportation of the products.

Railroads cannot supply the want of transportation in this region, as wagon-freighting is difficult from softness of the roads. Sugar-houses and other buildings are, when possible, built on the banks of bayous in order the more easily to roll freight to and from boats.

The plan recommended of making slackwater navigation for all these bayous, by making such locks as are needed to accomplish this object, and so making the locks that during high-water the gates can be opened and needles of the dams removed so that the current shall have free passage and sweep out the sediment deposited at low-water seasons, will cost—

For Bayou De Glaise, about	$50,000
For Boeuf and Courtableau, about	110,000
For Teche, about	60,000
For Charenton Canal, about	70,000
	290,000

The benefits to be derived from making the improvements recommended in this report cannot be even approximately estimated. The plantations along all the bayous would have good water communication throughout the year.

The bayous to which it is proposed to apply this system of slackwater navigation are, in fact, but natural canal channels, wanting but the locks to make them useful. Here of all the streams on this continent is the place to apply this system of improvements on a large scale, where the good to be derived from it will be greatest while its first cost is lowest.

Yours, respectfully,

H. C. COLLINS,
Assistant Engineer.

Maj. C. W. HOWELL,
Corps of Engineers, U. S. A.

16TH CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { EX. DOC. No. 55.

RULES FOR NAVAL VESSELS.

LETTER

FROM

THE SECRETARY OF THE NAVY,

TRANSMITTING,

In response to a resolution of the House of Representatives, rules for the guidance of naval vessels at sea.

JANUARY 27, 1880.—Referred to the Committee on Naval Affairs.
MARCH 10, 1880.—Recommitted to the Committee on Naval Affairs and ordered to be printed, to accompany bill H. R. 4430.

NAVY DEPARTMENT,
Washington, January 22, 1880.

SIR: I have the honor to acknowledge the receipt of the resolution of the House of Representatives, passed on the 9th instant, which requires the Secretary of the Navy to report to the House "the rules prescribed by the Navy Department for the guidance of naval vessels at sea; whether, in his opinion, the same are in conflict with the existing rules for the guidance of merchant vessels; and, if so, wherein such a conflict exists; and also what measures are, in his opinion, necessary to be taken to establish a system of international rules which shall apply to all naval and merchant vessels at sea," and in compliance therewith to submit the following report:

Although certain principles with regard to the conduct of vessels meeting and passing each other at sea, common to all maritime nations, may be traced back almost as far as marine commerce itself, the attempts to embody these principles into rules for national or universal observance is of comparatively recent origin.

As far as the *naval* vessels of a country are concerned, these principles are found embodied in regulations which are centuries old, and which form elements of the science of naval tactics. These regulations, however, in former times had little, if any, legal control over vessels of the merchant marines.

As commerce increased in extent and importance, and as the control of vessels of the merchant marines passed from the hands of owners to those of local boards of trade, and from those of local to those of national boards, we find different nations introducing these rules as statutes for general observance; and as the science of maritime law became developed and the absolute freedom of the high seas came to be acknowledged

by all maritime nations, the necessity for some universal law for the guidance of vessels on the ocean became apparent.

The first movement towards establishing some universal law seems to have been made about the year 1842; the Government of Great Britain taking the initiative. In this year the British admiralty issued a set of orders prescribing certain lights to be used at night by *all* British vessels; the same order made a steering rule applicable to *all* British vessels that had previously been a board of trade rule only, and which was generally known as the "law of the port helm." (See Appendix G.) These rules were not formally submitted to other nations, but before 1844 the majority of the maritime nations of the world had adopted them either in whole or in part. In the United States they were adopted by the Navy Department only, appearing verbatim in a general order to all United States vessels.

The law of the port helm was, however, very faulty, and in 1852 the British admiralty issued instructions, under the authority of an act of Parliament, to a committee, composed of officers of the royal navy and an Elder Brother of the Trinity House, to examine and report upon them.

In consequence of the condemnatory report of this committee, a second committee was organized by act of Parliament, composed of officers of the royal navy, Elder Brethren of the Trinity House, and members of the board of trade, to frame laws for preventing collision at sea. These laws were submitted to Parliament in 1862. They were made statutory in Great Britain, and all other maritime nations were invited to examine them in the interests of commerce at large, and, if found suitable, to legalize them.

In the course of the next two years thirty-four of the principal maritime nations of the world had approved and made statutory these laws.

In 1877, it having been found that these laws did not fulfill the requirements of marine commerce, an act of Parliament was passed authorizing an examination of them by a board similar to the previous one, consisting of naval officers, Trinity House Brethren, and members of the board of trade. By this committee a revised set of laws was compiled and submitted to the government. The British Government submitted them to all the foreign maritime powers, and after sixteen of these powers had signified their approval of them and their intention to legalize them for national usage, the British Parliament made them statutory to go into effect on the 1st of September, 1880.

It is thus seen that the present international rules for preventing collision are due entirely to the action of the British Government, and before entering into a discussion of the actions of our own government, it is necessary to examine more closely the methods by which Great Britain arrived at the desired result.

Every nation has a right to make such *municipal* laws as it sees fit; therefore the right of the British Government to force the use of certain lights on board its naval and merchant vessels is unquestionable.

The British admiralty (corresponding to the United States Navy Department) issued the first instructions binding upon *all* British vessels, and upon reference to British authority it is found that previous to and for some time after 1842 the admiralty had a certain control over the merchant marine, which included matters of this general description.

It will be noticed that the first revisory board was made up of naval officers and a Trinity House Brother.

Referring again to authority we find that between 1842 and 1850 all pilot regulations were placed under the control of the Trinity House, and these light and steering rules were considered to come within the

limits of pilot law. Therefore the controlling departments of the navy and the merchant marine were both represented on the committee.

In 1862 we see the new rules framed by a committee of naval officers, Trinity Brethren, and members of the board of trade. Again by reference we find that in 1854 the British merchant marine was placed under the directions of the board of trade, the pilots remaining under the Trinity House. Thus, again, the whole marine was represented.

The new rules having been made statutory were submitted for approval to foreign governments, and it was stated that all foreign ships who were guided by these rules should be treated as British ships in British courts of law. All the principal nations of the world approved and legalized these laws, and immediately the laws or rules *changed their character*. From being municipal laws, as enacted by Great Britain alone, they became, by the force of the common consent of commercial nations, an integral part of the law of the sea. It is not out of place to quote here an extract from an opinion on this self-same subject delivered by Mr. Justice Strong in the Supreme Court of the United States (14 Wall., 188).

> When we find such rules of navigation accepted as obligatory rules by more than thirty of the principal commercial states of the world, including almost all which have any shipping on the Atlantic Ocean, we are constrained to regard them as in part at least, and so far as relates to these vessels, the laws of the sea. Undoubtedly no single nation can change the law of the sea. The law is of universal obligation, and no statute of one or two nations can create obligations for the world. Like the laws of nations it rests upon the common consent of civilized communities.

It is stated that in 1877 the British Parliament authorized an examination of these laws, and the result of this examination was the compilation of a revised set of laws which have been made statutory in Great Britain. Let us examine the mode of procedure in the light of the Supreme Court decision above quoted.

The proclamation declaring these revised rules statutory tells the whole story, and the following extracts are sufficient:

> And whereas the admiralty and board of trade have jointly recommended to Her Majesty that the regulations contained in the order in council * * * shall be annulled, and that there shall be substituted * * * the new regulations; and, whereas, it has been made to appear to Her Majesty that the governments of the several foreign countries mentioned * * * are respectively willing that the regulations * * * shall apply to ships of the said countries, respectively, whether within British jurisdiction or not; now, therefore. * * *

Here we see a distinct acknowledgment of the necessity of consulting foreign nations before changing rules which Great Britain itself had made. This proclamation declaring the new rules statutory was not made until the approval of sixteen of the principal commercial nations of the world had been obtained. Nothing could be more plainly implied. The rules of 1862 were first made statutory, and then submitted to foreign governments. Their successors were first submitted to foreign governments, and *after their approval had been obtained*, they were made statutory.

I now turn to the consideration of the actions of the United States Government with regard to rules for preventing collisions.

In 1838, Congress enacted a statute making it obligatory for all *steamers* to carry one or more signal lights at night. In 1842, the United States Navy Department adopted for the guidance of naval vessels the British steering and light rules which had been enacted that year. In 1849, Congress enacted a statute obliging all merchant vessels navigating the Northern and Western lakes to carry the lights prescribed by the Navy Department order above mentioned.

In 1852, Congress authorized the appointment of nine supervising inspectors, amongst whose duties it was specified—

> That it shall be the duty of the supervising inspectors to establish such rules and regulations, to be observed by all such vessels (steamers navigating rivers only), in passing each other, as they shall from time to time deem necessary for safety.

In 1863 Congress enacted a law establishing "regulations for preventing collisions on the water," which regulations were in conformity with those submitted by the British Government for its approval. In that same year these regulations were established in conformity with the act of Congress as the guiding rules for naval vessels by General Order No. 34, issued by the Secretary of the Navy, which order has never been annulled or modified.

In 1865 the statutes with regard to supervising inspectors were so amended as to empower them to make steering and light regulations for all American vessels.

In 1874 the United States Statutes at Large were revised and compiled under the title of "The Revised Statutes of the United States." In this compilation the regulations for preventing collisions were amended and appeared as section 4233.

In 1878 the British Government submitted for the approval of the United States a set of amended regulations for preventing collisions at sea. These regulations were approved by the Treasury Department for the United States Government, and the British Government was notified of this approval, and partially in consequence of this approval the British Government made them statutory.

In 1879, a bill was submitted to the consideration of the committee on Commerce of Congress proposing certain amendments to section 4233 of the Revised Statutes. This bill is still under the consideration of the committees.

These having been the actions of the United States Government, it remains to examine the effects produced by them. Previous to the year 1863, all these actions were strictly within the province of municipal law. In that year Great Britain submitted her rules with the avowed intention of attempting to establish an international maritime law. (See appendix B.) These rules were approved by the Navy Department for the government, and in accordance with its suggestions, the rules, so amended as to extend their force to United States inland waters, were made statutory. In suggesting these amendments directly to Congress, the examining officers encroached upon the specific duties of the supervising inspectors, who, as shown above, made regulations for inland waters. They furthermore failed to comprehend the strictly international signification of the rules in recommending them for inland waters, although it was plainly evident that in certain places local regulations might be necessary which would interfere, if not conflict, with the rules for the sea. This point was even made by the British Government in subsequent correspondence. (See appendix F.) No notice, however, was taken of it, and the British Government, in a circular shortly afterward issued to all governments, naming those powers who had approved the regulations, mentions the United States in the list, as follows:

> United States sea-going ships.
> United States inland waters.

Our government being the only one in which inland waters are mentioned. In 1865 the Board of Supervising Inspectors, in conformity with the powers delegated to it by Congress, made certain pilot rules for lake and seaboard, and "pilot rules for Western rivers." The neces-

sity for these rules is unquestionable, and in framing them it was necessary to depart in many particulars from the precepts of the general rules which had become international. The making of such rules did not imply any violation of the international rules, but no information of their enactment was given to foreign countries. Thus an act of discourtesy to all nations was done by the United States in leaving them to believe that the general rules applied still to our inland waters. Although naval vessels are constantly patrolling our lakes, seaboard, and Western rivers, no notification of the enactment of these rules appears to have ever been given to the Navy Department. This notification was a matter of prime necessity, as since naval vessels are by statute exempted from the control of such municipal laws, the Navy Department should have been notified in order that proper and conforming regulations could be issued for its guidance.

In 1874 the regulations were inserted as section 4233 of the Revised Statutes, the wording having been amended. As long as the intent of the international rules remained unchanged and intact, the right to amend the wording was indisputable. But whatever *power* the government may possess, it had not the *right* to in any way impair the signification of the international rules (vide Supreme Court opinion above quoted). The wording of section 4233 is changed in many places. Omitting all changes that do not modify the intent, attention is called to the following points. In the second clause of the first article or rule the following difference of reading occurs:

International rule: "And every steamship which is under steam, whether under sail or not, is to be considered a *ship under steam*."

Statute rule: "And every steam-vessel, which is under steam, whether under sail or not, shall be considered a *steam-vessel*."

By this change, it is claimed that the sense of the law is mutilated if not perverted; for, by referring to the opening words of rules 18 and 19 we find, "If two vessels under steam are * * * ." The question arises, what constitutes a vessel under steam? This point is specifically answered in the international rule. It is not even referred to in the Statute, and by the latter the claim may be set up that a vessel under *steam* and *sail* is not to be considered a vessel under steam. To landsmen this may appear a quibble, but it is by no means the case. A steam-vessel, having the wind in her favor, may set all her sails and use only so much of her steam power as will overcome the resistance of the propeller to the water, in order to economize fuel. In this condition she is under steam and sail, but her steam power is not sufficient to control her movements. This is a condition in which naval vessels of all nations are very commonly placed, and merchant-vessels frequently; and it is seen at a glance that in case of collision this question would certainly arise, and could only be decided by referring to the intent of the statute as expressed in the original rule.

It is objected to the statutory reading that it is in no sense a definition, as it reduces itself to defining a steam-vessel as being a steam-vessel when under steam.

Article 20 of the international rules reads as follows:

> Nothing in these rules shall exonerate any ship, or the owner or master or crew thereof, from the consequences of any neglect to carry lights or signals, or of any neglect to keep a proper lookout or of the neglect of any precaution which may be required by the ordinary practice of seamen or by the special circumstances of the case.

This article is of such importance that its precepts are found repeatedly quoted in admiralty opinions, yet it is entirely omitted from the statutes.

Rule 14 of the Revised Statutes reads as follows:

The exhibition of any light on board of a vessel of war of the United States may be suspended whenever in the opinion of the Secretary of the Navy the commander in chief of a squadron, or the commander of a vessel acting singly, the special circumstances of the service may require it.

This is a complete precept affecting all the international light rules, but it is neither expressed nor implied in the original rules, nor does it appear in the latest authorized Regulations of the Navy, although of application to naval vessels only. More than this, the rule itself is in direct violation of the principles of international law.

No matter what rights naval vessels may claim during war time within the jurisdiction of the United States, they cannot jeopardize neutral life and property on the high seas. A defense founded on this rule in any foreign court or in courts of arbitration would not stand an instant.

The rules being originally intended to form an integral part of international maritime law, and as such having received the approval of the United States in common with the rest of the commercial world, it became not only a point of national honor, but one of necessity, in order to guard them against mischievous legislation, that they should of themselves form a single section of the statutes, from which all strictly municipal regulations should have been carefully excluded.

By reference to section 4233, it will be found that Rules VI, VII, and XII are regulations neither mentioned nor contemplated in the original rules. They are now and by their nature must always be municipal regulations, and however absolute the necessity for their existence may be, they are out of place in the midst of international rules. The rules for preventing collisions having become *de facto* an integral part of international maritime law before the Revised Statutes were compiled, the above-mentioned examples clearly show that in approving section 4233 the United States Government did violence to the laws of the sea.

It has been stated that in 1878 the British Government submitted revised rules for the approval of the United States, and that the approval was given by the Treasury Department for the government. In so far as the merchant marine was concerned, this approval was perfectly regular, *provided* that such approval originated with the Board of Supervising Inspectors, in whom lies the power delegated by Congress to make regulations of this nature for the merchant marine.

That the approval did so originate is doubted.

There was no authority, however, for the Treasury Department to examine and approve these rules for the Navy. That an examination by the Navy Department was necessary is plainly evident from the fact that one of the new rules affects naval vessels especially. Leaving this special case, however, out of consideration, the fact remains that we have squadrons of naval vessels constantly cruising on the high seas and in foreign waters, which must be guided by the law of the sea; therefore the controlling authority of these vessels should certainly be consulted with regard to amendments in the law which affect these vessels. Our manner of legislation upon this subject being thus proved faulty and injurious, the questions arise, To whom is the fault attributable? And how may it be remedied? The responsibility lies directly with Congress, but in a matter of this kind Congress alone is not competent to judge of the technicalities, and must call to its assistance authorities on marine affairs. The fault originally must be placed at the doors of the Navy Department, whose officers, in 1863, having in their possession a knowledge of the methods adopted by Great Britain in framing the rules, approved of them arbitrarily for both the Navy and merchant marine.

Had it not been during a time of war, when our sea-going commerce was almost totally destroyed, and when all such matters were naturally referred to the Navy Department, this general approval would not have escaped protest by the Treasury Department, and proper means for approving the rules would have been used.

Since amended rules have now been approved and legislated upon by fifteen of the principal maritime nations of the world, the present seems to be the proper time to remedy former faults and to aid instead of obstruct the development of international law.

In seeking the remedy it is not out of place to refer to the actions of the British Parliament under similar circumstances. We find that invariably when it became necessary to legislate upon collision rules committees were formed as parliamentary advisers, in which the whole British marine was represented. First it was the British admiralty alone; then the admiralty and Trinity House; then the admiralty, the Trinity House, and the board of trade; and finally, when the rules become international, the marine authorities of the entire commercial world.

In the United States we have no national board of trade or national pilot control. The Board of Supervising Inspectors, in a manner, possess the authority in regard to steering and light rules that is vested in Great Britain in the board of trade and Trinity House. It would seem that in appointing an advisory board, to properly examine the amended rules, a difficulty would arise in providing a fair and competent representation for the merchant marine, for the reason that although the power to make regulations with regard to lights and pilotage is vested in the Board of Supervising Inspectors, the members of that board are not necessarily experts in general maritime affairs. The special function of the members of this board is the examination of marine boilers; and although the general control of pilotage matters is in their hands, the more immediate practical control is vested in local pilot commissioners.

The approval of the new rules by the Treasury Department having been improper, I would respectfully suggest that a re-examination of them be ordered by Congress, to be made by a committee representing the whole marine. A committee composed of the following members would, I think, meet the requirements:

Two naval officers: To represent the Navy.

Two supervising inspectors: To represent the merchant marine.

One revenue officer: To represent the revenue marine and act as adviser to the inspectors.

One pilot commissioner: Chosen from among the pilot commissioners of one of our large seaports, to represent pilot interests, and act as adviser to the inspectors.

One naval officer: To represent the interests of international maritime law exclusively.

In this manner there would be three members chosen directly from the Navy Department, three from the Treasury Department, and one from a local control; all branches of marine interest would be properly represented, and matters of international import would be properly guarded.

I respectfully call attention to the fact that the United States Government is already committed to an approval of the new rules, and, as they have at this time become a part of international law, the government is bound to act in accordance with all the precepts therein stated. The functions of the examining board would be confined to making such

amendments of the wording as may seem proper and necessary. They are at liberty to enlarge the precepts but not to curtail them.

I respectfully recommend that whatever rules be approved by this committee should be approved by the Navy and Treasury Departments before being submitted to Congress, and, after being made statutory, they should be brought to the notice of all foreign maritime nations who have already approved the amended British rules.

Very respectfully,

R. W. THOMPSON,
Secretary of the Navy.

Hon. SAMUEL J. RANDALL,
Speaker of the House of Representatives.

[Inclosures accompanying communication of Secretary of the Navy, January 22, 1880.]

A.

Letter from Secretary of State to Secretary of the Navy.

DEPARTMENT OF STATE,
Washington, January 13, 1863.

SIR: I have the honor to invite your attention to the inclosed copy of a communication of the 10th instant from Lord Lyons, relative to regulations for preventing collisions at sea, and will thank you to cause them to be examined by an intelligent officer or officers, and the result communicated to this department. A similar communication has also been received at this department from the French legation.

I am, sir, &c.,

W. H. SEWARD.

Hon. GIDEON WELLES,
Secretary of the Navy.

B.

Letter from Lord Lyons to the Secretary of State.

WASHINGTON, *January* 10, 1863.

SIR: I have received the orders of my government to address to you the following communication:

The great increase which has lately taken place in the number of ships employed upon the ocean, the changes which are being made in the build and character of those ships, and more especially the introduction and rapid extension of steam navigation, have for some time made it necessary to alter and amend the rules and practice formerly observed for the purpose of preventing collisions at sea. Certain improvements have consequently been made from time to time, both in the description of lights and signals to be used by vessels at night, and also in the rules to be observed by vessels when approaching one another. Some of these alterations, those, for example, which relate to green and red side-lights, have already been adopted by most maritime nations, but even in these cases the adoption of the new system by each nation has hitherto only had the effect of a municipal law, whilst in other cases the rules and practice adopted by different nations are inconsistent and conflicting. That the law and practice of all the maritime nations of the world concerning the precautions to be observed for preventing collisions at sea should be adapted to the exigencies of modern navigation; that they should be consistent and uniform, without distinction of flag or of place; and that they should have the force of international maritime law, are objects the importance of which it is unnecessary to urge. Under these circumstances the Governments of Great Britain and France have prepared a set of rules which will, they believe, if adopted by the maritime nations of the world, fulfill the objects above mentioned. The rules are to come into force on the 1st day of June, 1863. They will from that date govern British and French ships, and will be capable of being inforced with regard to such ships in the courts of either country. To complete the work thus begun, it is necessary to procure the concurrence of other nations; and for this purpose I am charged by Her Majesty's Government to communicate to you the inclosed copy of the above-mentioned rules, and to express the hope that the Government of

the United States may see fit to apply them to its own ships, and to signify to Her Majesty's Government its desire that such ships may in any questions that may arise in British courts of law be treated accordingly. Her Majesty's Government are the more ready to believe that this course will be willingly acceded to, since the rules in question have been so framed as to adhere as closely as the wants of modern navigation will permit to the established practice of the sea. I have only to add that a communication similar to the present will be addressed on the part of the British and French Governments to the governments of every maritime nation, in the hope that the rules in question may thus be universally adopted, and that they may become an integral part of the international law of the world.

I have the honor, &c.,

LYONS.

Hon. WM. H. SEWARD,
Secretary of State.

C.

Indorsements written on the back of the above letter.

I have examined these rules and approve them as a general system. But in time of war, belligerents would or would not adopt them at discretion, according to circumstances. They should apply to vessels on our western waters in whole or at least in part.

JOSEPH SMITH,
Rear-Admiral.

I have examined the within rules carefully, and in my judgment their adoption and enforcement by ourselves would tend materially to lessen chances of collision by our vessels. They are well drawn and certainly well calculated to subserve the purposes for which they are intended.

L. M. GOLDSBOROUGH,
Rear-Admiral, United States Navy.

I concur in the above.

C. H. DAVIS,
Commodore, United States Navy.

These rules are very nearly those which now govern the usage of the sea service, but they only apply to sea-going steamers. I think they should be alike applicable, and receive the force of law, to all steamers and vessels upon our inland waters also. So far as naval vessels are concerned, there are times when the commander must have the authority to suspend these rules entirely.

G. V. FOX,
Assistant Secretary.

D.

Letter from Secretary Wells to Secretary Seward.

NAVY DEPARTMENT, *January* 21, 1863.

SIR: Your letter of the 13th instant, inclosing the communication of Lord Lyons dated the 10th instant, addressed to yourself and containing the "regulations for preventing collisions at sea," to be adopted by the English and French governments on the 1st day of June, 1863, has been received and carefully examined. These regulations are approved by the department, and from the 1st of June next will be adopted for the naval service subject to temporary suspension or alteration by any naval commander according to the circumstances or exigencies under which they may be placed. I respectfully suggest that article 3d should be altered so as to read thus: "All steam-vessels when underweigh shall carry," and that "regulations for preventing collisions at sea" be altered so as to read "regulations for preventing collisions on the water." The object of these changes is to have one uniform rule on the water instead of confining the great usefulness of the regulations to the sea alone. For example, the great lakes and river St. Lawrence as well as the waters near our northwestern boundaries are used by ourselves and the vessels of the British in common, and it would seem desirable that invariable rules should govern the vessels of both nations. If the same necessity exists for harmony in the inland waters of Europe and Asia it is a

proper occasion to urge rules which shall be universal. The department will present these regulations altered as above suggested and ask Congress to adopt them for all classes of vessels, including those upon the inland waters of the United States as well as at sea.

I am, &c.,

GIDEON WELLS,
Secretary.

Hon. WM. H. SEWARD,
Secretary of State.

E.

Letter from Secretary Welles to the Committee on Commerce.

NAVY DEPARTMENT, *January* 23, 1863.

SIR: I have the honor to transmit herewith a copy of "Regulations for preventing collisions on the water." These regulations have been adopted by the great maritime nations of England and France, who have brought them to the attention of this government and asked its adoption of them. They will be put in force so far as those two nations are concerned on and after the 1st of June, 1863. The department has examined them carefully, and they meet with its approval. It proposes to adopt them in the naval service, and desires that Congress may give them legal force. It is equally important that a uniform system should prevail in the mercantile as well as in the naval service, and the department therefore deems it proper to bring the subject to the attention of the Committee on Commerce, and to suggest such action by Congress as will accomplish this object. I have taken the liberty of inclosing a draught of an act which would seem to cover the case. It is the intention of the British and French Governments to invite the attention of every maritime nation to these regulations in the hope that they may be universally adopted, and become an integral part of the international law of the world. Copies of the letter of the Secretary of State and of the communication addressed to him by Lord Lyons with which the regulations were transmitted to this department are herewith inclosed.

Respectfully, &c.,

GIDEON WELLES,
Secretary.

Hon. E. B. WASHBURNE,
Chairman Committee on Commerce,
House of Representatives.

F.

Letter from Lord Lyons to Secretary of State.

WASHINGTON, *May* 1, 1863.

SIR: Her Majesty's Government have learned with much satisfaction from the note which you did me the honor to address to me on the 22d January last, that the Government of the United States approved the regulations for preventing collisions at sea which have been concerted between the Governments of Great Britain and France. With regard to the suggestion of the United States Secretary of the Navy, that the wording of the regulations should be modified so as to make them applicable to steam-vessels on lakes and rivers as well as to those on the sea, Her Majesty's Government find that it is not in their power to make the regulations applicable to all inland navigation, as there are rivers in the United Kingdom and probably in other parts of Europe in which special local regulations exist with which it would not be proper to interfere. The principal object which the Secretary of the Navy had in view would, however, be attained if the operation of the regulations should be extended to the inland lakes of North America and to the waters of the River St. Lawrence, and Her Majesty's Government have accordingly entered into communication with the Provincial Government of Canada for the purpose of ascertaining whether such an extension would be feasible.

I have the honor, &c.,

LYONS.

Hon. WM. H. SEWARD,
Secretary of State.

G.

The law of port helm.

The lords commissioners of the admiralty are furthermore pleased to direct that the recognized Trinity House rules, that all vessels should keep their course, are to be acted upon except where there is danger of collision, and in that case each vessel should invariably put her helm aport.

Regulations for preventing collisions on the water.

[General Order No. 34.]

NAVY DEPARTMENT, *May* 4, 1864.

The provisions of the following act "fixing certain rules and regulations for preventing collisions on the water," to take effect on the 1st day of September, 1864, are adopted for the naval service of the United States from this date. As most of the collisions occur from the non-observance of article sixteen, it is particularly enjoined upon commanding officers, in approaching another vessel, to slacken and stop in time to prevent the possibility of collision.

AN ACT fixing certain rules and regulations for preventing collisions on the water.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after September one, eighteen hundred and sixty-four, the following rules and regulations for preventing collisions on the water be adopted in the Navy and the mercantile marine of the United States: *Provided*, That the exhibition of any light on board of a vessel of war of the United States may be suspended whenever, in the opinion of the Secretary of the Navy, the commander-in-chief of a squadron, or the commander of a vessel acting singly, the special character of the service may require it.

REGULATIONS FOR PREVENTING COLLISIONS (ON THE WATER AT SEA).

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10. Fog-signals.

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PRELIMINARY.

ART. 1. In the following rules, every steamship which is under sail, and not under steam, is to be considered a sailing-ship; and every steamship which is under steam, whether under sail or not, is to be considered a ship under steam.

RULES CONCERNING LIGHTS.

LIGHTS.

ART. 2. The lights mentioned in the following articles, and no others, shall be carried in all weathers between sunset and sunrise.

LIGHTS FOR STEAMSHIPS.

ART. 3. All steam-vessels (sea-going steamships), when under way, shall carry—

(*a*) At the foremast-head, a bright white light, so fixed as to show a uniform and unbroken light over an arc of the horizon of twenty points of the compass, so fixed as to throw the light ten points on each side of the ship, viz, from right ahead to two points abaft the beam on either side, and of such a character as to be visible on a dark night, with a clear atmosphere, at a distance of at least five miles.

(*b*) On the starboard side, a green light, so constructed as to show a uniform and unbroken light over an arc of the horizon of ten points of the compass, so fixed as to throw the light from right ahead to two points abaft the beam on the starboard side, and of such a character as to be visible on a dark night, with a clear atmosphere, at a distance of at least two miles.

(*c*) On the port side, a red light, so constructed as to show a uniform unbroken light over an arc of the horizon of ten points of the compass, so fixed as to throw the light from right ahead to two points abaft the beam on the port side, and of such a character as to be visible on a dark night, with a clear atmosphere, at a distance of at least two miles.

(*d*) The said green and red side lights shall be fitted with inboard screens, projecting at least three feet forward from the light, so as to prevent these lights from being seen across the bow.

LIGHTS FOR STEAM-TUGS.

ART. 4. Steamships, when towing other ships, shall carry two bright white mast-head lights vertically, in addition to their side lights, so as to distinguish them from other steamships. Each of these mast-head lights shall of the same construction and character as the mast-head lights which other steamships are required to carry.

LIGHTS FOR SAILING-SHIPS.

ART. 5. Sailing-ships under way, or being towed, shall carry the same lights as steamships under way, with the exception of the white mast-head lights, which they shall never carry.

EXCEPTIONAL LIGHTS FOR SMALL SAILING-VESSELS.

ART. 6. Whenever, as in the case of small vessels during bad weather, the green and red lights cannot be fixed, those lights shall be kept on deck, on the respective sides of the vessel, ready for instant exhibition, and shall, on the approach of or to other vessels, be exhibited on their respective sides in sufficient time to prevent collision, in such manner as to make them most visible, and so that the green light shall not be seen on the port side, nor the red light on the starboard side.

To make the use of these portable lights more certain and easy, they shall each be painted outside with the color of the light they respectively contain, and shall be provided with suitable screens.

LIGHTS FOR SHIPS AT ANCHOR.

ART. 7. Ships, whether steamships or sailing-ships, when at anchor in roadsteads or fairways, shall, between sunset and sunrise, exhibit where it can best be seen, but at a height not exceeding twenty feet above the hull, a white light in a globular lantern of eight inches in diameter, and so constructed as to show a clear, uniform, and unbroken light visible all around the horizon, and at a distance of at least one mile.

LIGHTS FOR PILOT-VESSELS.

ART. 8. Sailing pilot-vessels shall not carry the lights required for other sailing-vessels but shall carry a white light at the mast-head, visible all around the horizon, and shall also exhibit a flare-up light every fifteen minutes.

LIGHTS FOR FISHING VESSELS AND BOATS.

ART. 9. Open fishing-boats and other open boats shall not be required to carry sidelights required for other vessels; but shall, if they do not carry such lights, carry a lantern having a green slide on the one side and a red slide on the other side, and on the approach of or to other vessels, such lantern shall be exhibited in sufficient time to prevent collision, so that the green light shall not be seen on the port side, nor the red light on the starboard side. Fishing-vessels and open boats when at anchor, or attached to their nets and stationary, shall exhibit a bright white light. Fishing-vessels and open boats shall, however, not be prevented from using a flare-up in addition, if considered expedient.

RULES GOVERNING FOG-SIGNALS.

FOG-SIGNALS.

ART. 10. Whenever there is a fog, whether by day or night, the fog-signals described below shall be carried and used, and shall be sounded at least every five minutes, viz:

(*a*) Steamships under way shall use a steam-whistle, placed before the funnel, not less than eight feet from the deck.

(*b*) Sailing-ships under way shall use a fog-horn.

(*c*) Steamships and sailing-ships, when not under way, shall use a bell.

STEERING AND SAILING RULES.

TWO SAILING-SHIPS MEETING.

ART. 11. If two sailing-ships are meeting end on, or nearly end on, so as to involve risk of collision, the helms of both shall be put to port, so that each may pass on the port side of the other.

TWO SAILING-SHIPS CROSSING.

ART. 12. When two sailing-ships are crossing so as to involve risk of collision, then, if they have the wind on different sides, the ship with the wind on the port side shall keep out of the way of the ship with the wind on the starboard side, except in the case in which the ship with the wind on the port side is close-hauled, and the other ship free, in which case the latter ship shall keep out of the way. But if they have the wind on the same side, or if one of them has the wind aft, the ship which is to windward shall keep out of the way of the ship which is to leeward.

TWO SHIPS UNDER STEAM MEETING.

ART. 13. If two ships under steam are meeting end on, or nearly end on, so as to involve risk of collision, the helms of both shall be put to port, so that each may pass on the port side of the other.

TWO SHIPS UNDER STEAM CROSSING.

ART. 14. If the two ships under steam are crossing, so as to involve risk of collision, the ship which has the other on her own starboard side shall keep out of the way of the other.

SAILING-SHIP AND SHIP UNDER STEAM.

ART. 15. If the two ships, one of which is a sailing-ship, and the other a steamship, are proceeding in such directions as to involve risk of collision, the steamship shall keep out of the way of the sailing-ship.

SHIPS UNDER STEAM TO SLACKEN SPEED.

ART. 16. Every steamship when approaching another ship so as to involve risk of collision, shall slacken her speed, or, if necessary, stop and reverse; and every steamship shall, when in a fog, go at a moderate speed.

VESSELS OVERTAKING OTHER VESSELS.

ART. 17. Every vessel overtaking any other vessel shall keep out of the way of the said last-mentioned vessel.

CONSTRUCTION OF ARTICLES 12, 14, 15, AND 17.

ART. 18. Where, by the above rules, one of two ships is to keep out of the way, the other shall keep her course, subject to the qualifications contained in the following article:

PROVISO TO SAVE SPECIAL CASES.

ART. 19. In obeying and construing these rules due regard must be had to all dangers of navigation, and due regard must also be had to any special circumstances which may exist in any particular case rendering a departure from the above rules necessary in order to avoid immediate danger.

NO SHIP UNDER ANY CIRCUMSTANCES TO NEGLECT PROPER PRECAUTIONS.

ART. 20. Nothing in these rules shall exonerate any ship, or the owner or master, or crew thereof, from the consequences of any neglect to carry lights or signals, or of any neglect to keep a proper lookout, or of the neglect of any precaution which may be required by the ordinary practice of seamen, or by the special circumstances of the case.

Approved April 29, 1864.

Should a collision unfortunately take place, each commanding officer is required to furnish the department with the following information:

1st. His own report, that of the pilot, the officer of the deck, and other officers who witnessed the occurrence. These reports and statements are to be exemplified by a diagram, and must contain the courses steered, the point at which the vessel was first seen, the bearing, the time when the engine was slowed, when the vessel was stopped, whether in motion, and, if so, at what speed at the moment of collision, the direction of the wind, the condition of the weather and atmosphere, what lookouts were placed, what lights were exhibited by both vessels, whether either vessel deviated from the above rules and regulations, whether any blame can attach to any one, and, if so, to whom, and any and all other facts bearing upon the subject.

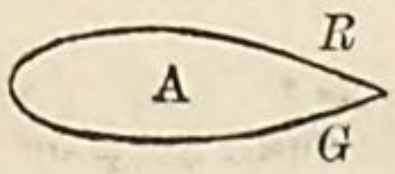
2d. Written statements and estimate of damage from officers of the vessel with which the vessel of the United States Navy collided, if they can be obtained.

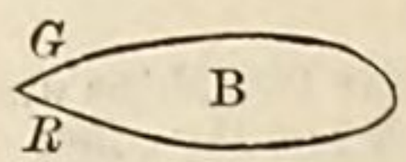
3d. Survey of the injury to both vessels by United States officers.

4th. If the vessel is in charge of a pilot, and the collision has occurred from his acting in violation of the above rules and regulations, the fact must be established in the report, and no pilotage paid to him.

The following diagrams are designed to illustrate the use of the lights carried by vessels at sea as prescribed in the foregoing order, and the manner in which they indicate to each vessel the position and course of the other.

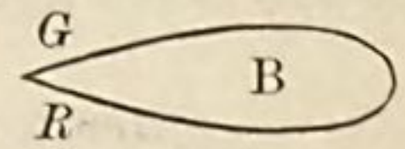
1. FIRST. When the *Red* and *Green lights* are both seen.—A sees a *red* and *green* light ahead; A knows that a vessel is approaching him on a course directly opposite to the one he is steering, as B:

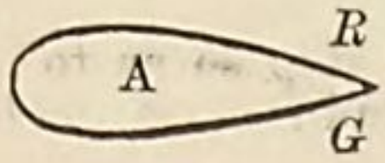




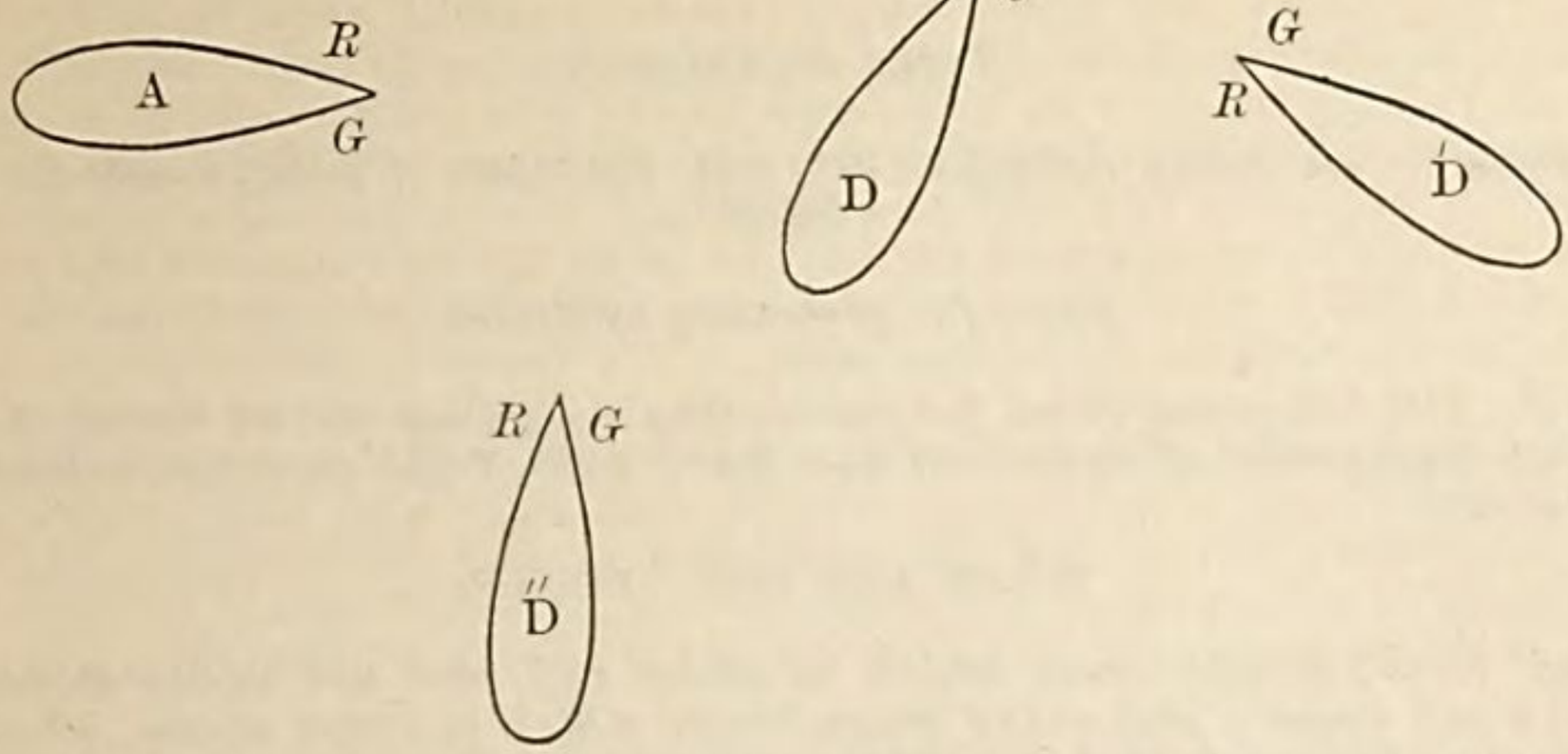
2. If A sees a *White mast-head light* above the *Red* and *Green lights*, he knows that the vessel B is a steamer. A should put his helm to port, and B, seeing the same lights, on board of A, should, by the same rule, put his helm to port also.

3. SECOND. When the *Red light* only is seen.—A sees a *Red light* ahead, or on the port bow; A knows that either, first, a vessel is approachimg him on his port bow, as B,





or, second, a vessel is crossing his bows to port in some direction, as D D′ D″.



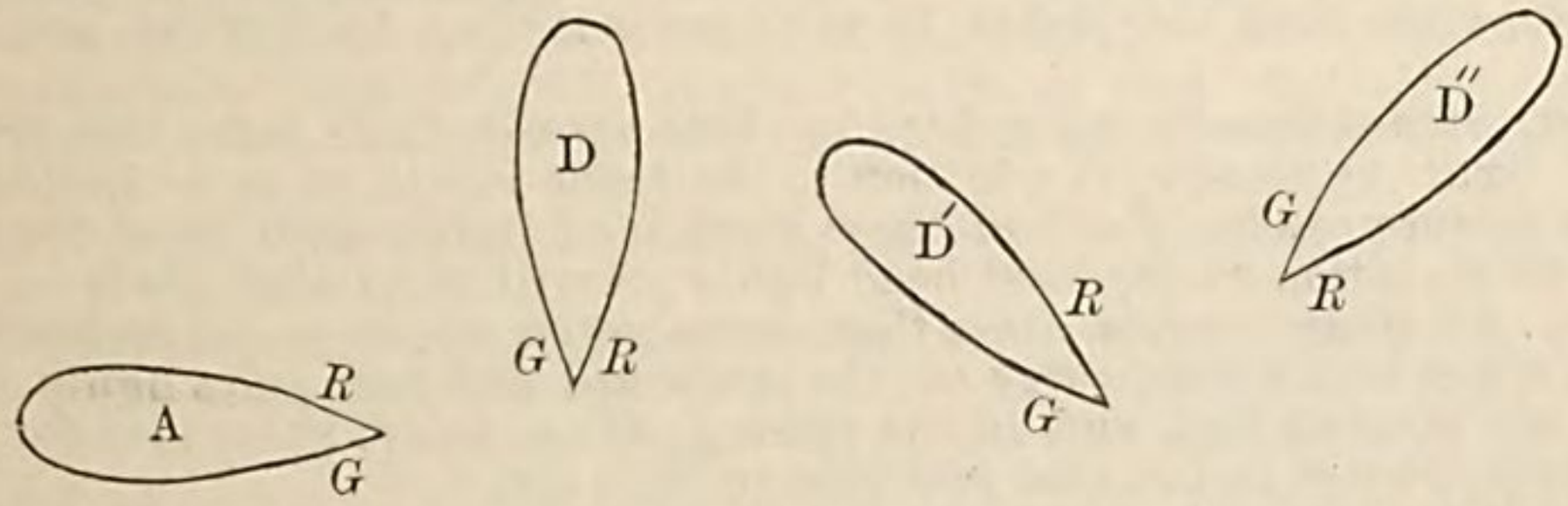
4. If A sees a *White mast-head light* above the *Red light*, he knows that the vessel is a steamer, and is either approaching in the same direction as B, or is crossing to port in the same direction as D D′ D″.

5. In the first position A sees B a little on the port bow; B's *red light* exposed, and, by the diagrams, B should see A's *red light* as well, in which case both vessels should put their helms to port.

6. In the second positions A sees D on his starboard bow, and from the fact that he only sees D's *red light*, he knows that D must be steering in some direction as at D D′ D″; at the same time D D′ D″ will see A's *green light on his port bow*. In this case A having D clearly on his starboard bow, should put his helm to starboard to turn from D, and D having A clearly on his port bow, should put his helm to port to turn to starboard from A.

7. THIRD. When the *Green light* is seen, and the *Red light* is not seen.—A sees a *green* light ahead or on his bow; A knows that either, first, a vessel is approaching him on his starboard bow, as B,

or, second, a vessel is crossing his bow in some direction to starboard, as D D′ D″.



8. If A sees a *White mast-head light* above the *Green light*, A knows that the vessel is a steamer, and is either approaching him in the same direction as B, or is crossing to starboard in some direction as D D′ D″.

9. In the *first position*, A sees B on his starboard bow; B's *green light* exposed, and, by the diagram, B should see A's green light as well, in which case both vessels should put their helms to starboard.

10. In the *second position*, A sees D on his port bow, and from the fact that he only sees D's *green light*, he knows that D must be steering in some direction as D D′ D″; at the same time D will see A's *red light* on his starboard bow. In this case, A having D clearly on his port bow, should put his helm to port to turn from D, and D having A clearly on his starboard bow, should put his helm to starboard to turn to port from A.

11. Steam-vessels discovering other vessels near them at night, should slow down, and, if need be, stop the engines until the exact position of both vessels is ascertained.

COLLISIONS—RULES OF THE SEA.

TITLE 48, CHAP. 5.

Sec. 4233. Rules for preventing collisions. Sec. 4234. Forfeiture of sailing-vessels for omission of lights.

Rules for preventing collisions.

SEC. 4233. The following rules for preventing collisions on the water, shall be followed in the navigation of vessels of the Navy and of the mercantile marine of the United States.

STEAM AND SAIL VESSELS.

Rule one. Every steam-vessel which is under sail, and not under steam, shall be considered a sail-vessel; and every steam-vessel which is under steam, whether under sail or not, shall be considered a steam-vessel.

LIGHTS.

Rule two. The lights mentioned in the following rules, and no others, shall be carried in all weathers, between sunset and sunrise.

Rule three. All ocean-going steamers, and steamers carrying sail, shall, when under way, carry—

(A) At the foremast head, a bright white light, of such a character as to be visible on a dark night, with a clear atmosphere, at a distance of at least five miles, and so constructed as to show a uniform and unbroken light over an arc of the horizon of twenty points of the compass, and so fixed as to throw the light ten points on each side of the vessel, namely, from right ahead to two points abaft the beam on either side.

(B) On the starboard side, a green light, of such a character as to be visible on a dark night, with a clear atmosphere, at a distance of at least two miles, and so constructed as to show a uniform and unbroken light over an arc of the horizon of ten points of the compass, and so fixed as to throw the light from right ahead to two points abaft the beam on the starboard side.

(C) On the port side, a red light, of such a character as to be visible on a dark night, with a clear atmosphere, at a distance of at least two miles, and so constructed as to show a uniform and unbroken light over an arc of the horizon of ten points of the compass, and so fixed as to throw the light from right ahead to two points abaft the beam on the port side.

The green and red lights shall be fitted with inboard screens, projecting at least three feet forward from the lights, so as to prevent them from being seen across the bow.

Rule four. Steam-vessels, when towing other vessels, shall carry two bright white mast-head lights vertically, in addition to their side-lights, so as to distinguish them from other steam-vessels. Each of these mast-head lights shall be of the same character and construction as the mast-head lights prescribed by Rule three.

Rule five. All steam-vessels, other than ocean-going steamers and steamers carrying sail, shall, when under way, carry on the starboard and port sides lights of the same character and construction and in the same position as are prescribed for side-lights by Rule three, except in the case provided in Rule six.

Rule six. River-steamers, navigating waters flowing into the Gulf of Mexico, and their tributaries, shall carry the following lights, namely: One red light on the outboard side of the port smoke-pipe, and one green light on the outboard side of the starboard smoke-pipe. Such lights shall show both forward and abeam on their respective sides.

Rule seven. All coasting steam-vessels, and steam-vessels other than ferry-boats and vessels otherwise expressly provided for, navigating the bays, lakes, rivers, and other inland waters of the United States, except those mentioned in Rule six, shall carry the red and green lights, as prescribed for ocean-going steamers; and, in addition thereto, a central range of two white lights; the after-light being carried at an elevation of at least fifteen feet above the light at the head of the vessel. The head-light shall be so constructed as to show a good light through twenty points of the compass, namely: from right ahead to two points abaft the beam on either side of the vessel; and the after-light so as to show all around the horizon. The lights for ferry-boats shall be regulated by such rules as the board of supervising inspectors of steam-vessels shall prescribe.

Rule eight. Sail-vessels, under way or being towed, shall carry the same lights as

steam-vessels under way, with the exception of the white mast-head lights, which they shall never carry.

Rule nine. Whenever, as in case of small vessels during bad weather, the green and red lights cannot be fixed, these lights shall be kept on deck, on their respective sides of the vessel, ready for instant exhibition, and shall, on the approach of or to other vessels, be exhibited on their respective sides in sufficient time to prevent collision, in such manner as to make them most visible, and so that the green light shall not be seen on the port side, nor the red light on the starboard side. To make the use of these portable lights more certain and easy, they shall each be painted outside with the color of the light they respectively contain, and shall be provided with suitable screens.

Rule ten. All vessels, whether steam-vessels or sail-vessels, when at anchor in roadsteads or fairways, shall, between sunset and sunrise, exhibit where it can best be seen, but at a height not exceeding twenty feet above the hull, a white light in a globular lantern of eight inches in diameter, and so constructed as to show a clear, uniform, and unbroken light, visible all around the horizon, and at a distance of at least one mile.

Rule eleven. Sailing pilot-vessels shall not carry the lights required for other sailing-vessels, but shall carry a white light at the mast-head, visible all around the horizon, and shall also exhibit a flare-up light every fifteen minutes.

Rule twelve. Coal-boats, trading-boats, produce-boats, canal-boats, oyster-boats, fishing-boats, rafts, or other water-craft, navigating any bay, harbor, or river, by hand-power, horse-power, sail, or by the current of the river, or which shall be anchored or moored in or near the channel or fair way of any bay, harbor, or river, shall carry one or more good white lights, which shall be placed in such manner as shall be prescribed by the board of supervising inspectors of steam-vessels.

Rule thirteen. Open boats shall not be required to carry the side-lights required for other vessels, but shall, if they do not carry such lights, carry a lantern having a green slide on one side, and a red slide on the other side; and on the approach of or to other vessels, such lantern shall be exhibited in sufficient time to prevent collision, and in such a manner that the green light shall not be seen on the port side, nor the red light on the starboard side. Open boats, when at anchor or stationary, shall exhibit a bright white light. They shall not, however, be prevented from using a flare-up, in addition, if considered expedient.

Rule fourteen. The exhibition of any light on board of a vessel of war of the United States may be suspended whenever, in the opinion of the Secretary of the Navy, the commander-in-chief of a squadron, or the commander of a vessel acting singly, the special character of the service may require it.

FOG-SIGNALS.

Rule fifteen. Whenever there is a fog, or thick weather, whether by day or night, fog-signals shall be used as follows:

(A) Steam-vessels under way shall sound a steam-whistle placed before the funnel, not less than eight feet from the deck, at intervals of not more than one minute.

(B) Sail-vessels under way shall sound a fog-horn at intervals of not less than five minutes.

(C) Steam-vessels and sail-vessels, when not under way, shall sound a bell at intervals of not more than five minutes.

(D) Coal-boats, trading-boats, produce-boats, canal-boats, oyster-boats, fishing-boats, rafts, or other water-craft, navigating any bay, harbor, or river, by hand-power, horse-power, sail, or by the current of the river, or anchored or moored in or near the channel or fairway of any bay, harbor, or river, and not in any port, shall sound a fog-horn, or equivalent signal, which shall make a sound equal to a steam-whistle, at intervals of not more than two minutes.

STEERING AND SAILING RULES.

Rule sixteen. If two sail-vessels are meeting end on, or nearly end on, so as to involve risk of collision, the helms of both shall be put to port, so that each may pass on the port side of the other.

Rule seventeen. When two sail-vessels are crossing so as to involve risk of collision, then, if they have the wind on different sides, the vessel with the wind on the port side shall keep out of the way of the vessel with the wind on the starboard side, except in the case in which the vessel with the wind on the port side is close-hauled, and the other vessel free, in which case the latter vessel shall keep out of the way. But if they have the wind on the same side, or if one of them has the wind aft, the vessel which is to windward shall keep out of the way of the vessel which is to leeward.

Rule eighteen. If two vessels under steam are meeting end on, or nearly end on, so

as to involve risk of collision, the helms of both shall be put to port, so that each may pass on the port side of the other.

Rule nineteen. If two vessels under steam are crossing so as to involve risk of collision, the vessel which has the other on her own starboard side shall keep out of the way of the other.

Rule twenty. If two vessels, one of which is a sail-vessel and the other a steam-vessel, are proceeding in such directions as to involve risk of collision, the steam-vessel shall keep out of the way of the sail-vessel.

Rule twenty-one. Every steam-vessel, when approaching another vessel, so as to involve risk of collision, shall slacken her speed, or, if necessary, stop and reverse; and every steam-vessel shall, when in a fog, go at a moderate speed.

Rule twenty-two. Every vessel overtaking any other vessel shall keep out of the way of the last-mentioned vessel.

Rule twenty-three. Where, by Rules seventeen, nineteen, twenty, and twenty-two, one of two vessels shall keep out of the way, the other shall keep her course, subject to the qualifications of Rule twenty-four.

Rule twenty-four. In construing and obeying these rules, due regard must be had to all dangers of navigation, and to any special circumstances which may exist in any particular case rendering a departure from them necessary in order to avoid immediate danger.

Forfeiture of sailing-vessels for omission of lights.

SEC. 4234. Collectors or other chief officers of the customs shall require all sail-vessels to be furnished with proper signal-lights, and every such vessel shall, on the approach of any steam-vessel during the night time, show a lighted torch upon that point or quarter to which such steam-vessel shall be approaching. Every such vessel that shall be navigated without complying with the provisions of this and the preceding section shall be liable to a penalty of two hundred dollars, one-half to go to the informer, for which sum the vessel so navigated shall be liable, and may be seized and proceeded against by way of libel in any district court of the United States having jurisdiction of the offense.

PILOT RULES FOR LAKE AND SEABOARD.

Rules and regulations for the government of pilots navigating seas, gulfs, lakes, bays, sounds, or rivers, except rivers flowing into the Gulf of Mexico, and their tributaries. Revised and adopted by the Board of Supervising Inspectors June 10, 1871, *as authorized by act of Congress to provide for the better security of life on board of vessels propelled in whole or in part by steam, and for other purposes, approved February* 28, 1871, *to take effect January* 1, 1872. (*Amended January*, 1875.)

RULE I.—When steamers are approaching each other "head and head," or nearly so, it shall be the duty of each steamer to pass to the right, or on the port side of the other; and the pilot of either steamer may be first in determining to pursue this course, and thereupon shall give, as a signal of his intention, one short and distinct blast of his steam-whistle, which the pilot of the other steamer shall answer promptly by a similar blast of his steam-whistle, and thereupon such steamers shall pass to the right, or on the port side of each other. But if the course of such steamers is so far on the starboard of each other as not to be considered by the pilots as meeting "head and head," or nearly so, or if the vessels are approaching each other in such a manner that passing to the right (as above directed) is deemed unsafe by the pilot of either vessel, the pilot so first deciding shall immediately give two short and distinct blasts of his steam-whistle, which the pilot of the other steamer shall answer promply by two similar blasts of his steam-whistle, and they shall pass to the left, or on the starboard side of each other.

NOTE.—In the night, steamers will be considered meeting "head and head" so long as both the colored lights of each are in view of the other. In the day, a similar position will also be considered "head and head."

RULE II.—When steamers are approaching each other in an oblique direction (as shown in diagram of the fifth situation), they shall pass to the right of each other, as if meeting "head and head," or nearly so, and the signals by whistle shall be given and answered promptly, as in that case specified.

RULE III.—If, when steamers are approaching each other, the pilot of either vessel fails to understand the course or intention of the other, whether from the signals being given or answered erroneously, or from other causes, the pilot so in doubt shall immediately signify the same by giving several short and rapid blasts of the steam-whistle; and if the vessel shall have approached within half a mile of each other,

both shall be immediately slowed to a speed barely sufficient for steerage-way, until the proper signals are given, answered, and understood, or until the vessels shall have passed each other.

RULE IV.—When steamers are running in a fog or thick weather, it shall be the duty of the pilot to cause a long blast of the steam-whistle to be sounded, at intervals not exceeding one minute, and no steamer shall, in any case, be justified in coming in collision with another vessel if it be possible to avoid it.

RULE V.—Whenever a steamer is nearing a short bend or curve in the channel, where, from the height of the banks or other cause, a steamer approaching from the opposite direction cannot be seen for a distance of half a mile, the pilot of such steamer, when he shall have arrived within half a mile of such curve or bend, shall give a signal by one long blast of the steam-whistle, which signal shall be answered by a similar blast, given by the pilot of any approaching steamer that may be within hearing.

Should such signal be so answered by a steamer upon the farther side of such bend, then the usual signals for meeting and passing shall immediately be given and answered; but if the first alarm-signal of such pilot be not answered, he is to consider the channel clear and govern himself accordingly.

RULE VI.—The signals, by blowing of the steam-whistle, shall be given and answered by pilots in compliance with these rules not only when meeting "head and head," or nearly so, but at all times when passing or meeting at a distance within half a mile of each other, and whether passing to the starboard or port.

N. B.—The foregoing rules are to be complied with in all cases, except when steamers are navigating in a crowded channel, or in the vicinity of wharves; under such circumstances steamers must be run and managed with great caution, sounding the whistle, as may be necessary, to guard against collision or other accidents.

RULE VII.—All steamers rigged for carrying sail, when under way, must carry a bright white light at the foremast head, and all other steamers must carry a bright white light on the stem or near the bow, and another on a mast near the stern, or on the flagstaff at the stern, the last named being at an elevation of at least twenty feet above all other lights upon the steamer. All steamers must carry a green light upon the starboard side and a red light on the port side.

NOTE.—Steamers, although rigged for carrying sail, instead of the foremast head-light, may adopt the forward and stern lights provided for steamers not rigged for carrying sail, provided said lights are so arranged and placed on the vessel as to secure the contemplated objects.

When at anchor, a bright white light shall be exhibited at least twenty feet above the surface of the water, the lantern so constructed and placed as to show a good light all around the horizon.

RULE VIII.—That when two steamers are approaching the narrows known as "Hell-gate," on the East River, at New York, side by side, or nearly so, running in the same direction, the steamer on the right or starboard hand of the other (when approaching from the west), when they shall have arrived abreast of the north end of Blackwell's Island, shall have the right of way, and the steamer on the left or port side of the other shall check her way and drop astern. In like case, when two steamers are approaching from the east, and are abreast of Negro Point, the steamer on the right or starboard hand of the other shall have the right of way, and shall proceed on her course without interference, and the steamer on the port side of the other shall keep at a safe distance astern (not less than three lengths) until both steamers have passed through the difficult channel.

RULE IX.—Steam-vessels, when towing other vessels, shall carry two bright white mast-head lights vertically, in addition to their side lights, so as to distinguish them from other steam-vessels. Each of these mast-head lights shall be of the same construction and character as the mast-head lights which other steam-vessels are required to carry; and in addition to the lights herein referred to, when engaged in towing canal boats and barges, or both, as is customary on the Hudson and other rivers, white lights shall also be carried on the extreme outside of the tow on either hand, and also on the extreme afterpart of the same.

RULE X.—When steamers are running in a fog or thick weather, and the pilot elects to lay by, or, as it is usual to say, drift, or if at anchor, with steam up, in the fairway of other steamers, it shall be the duty of the pilot to cause three distinct blasts of the steam-whistle to be sounded at intervals not exceeding three minutes: *Provided, however*, That nothing herein shall be construed to, in any way, conflict with Rule IV, regulating fog-signals, when under way.

NOTE.—The object of this rule is to give timely notice to approaching steamers that the steamer giving such signal is lying still or at anchor, as the case may be, in thick weather.

1. The mast-head light of steamers rigged for carrying sail to be visible at a distance of at least five miles on a clear, dark night, and the lantern to be so constructed as to show a uniform and unbroken light over an arc of the horizon of twenty points of the compass, viz, from right ahead to two points abaft the beam on either side of the ship.

2. The stem and stern lights of steamers not rigged for carrying sail to be visible at a distance of at least five miles on a clear, dark night, and the respective lanterns to be so constructed that the stem-light shall show a uniform and unbroken light over an arc of the horizon of twenty points of the compass, viz, from right ahead to two points abaft the beam on either side of the ship, and that the stern-lights shall show a uniform light all around the horizon.

3. The colored side-lights to be visible at a distance of at least two miles on a clear, dark night, and the lanterns to be so constructed as to show a uniform and unbroken light over an arc of the horizon of ten points of the compass, viz, from right ahead to two points abaft the beam on their respective sides.

4. The side-lights are to be fitted with inboard screens of at least three feet in length (clear of the lantern), to prevent them from being seen across the bow, the screens to be placed in a fore-and-aft line with the inner edge of the side-lights, and in contact therewith.

NOTE 1st.—The object of carrying the bright white light at the foremast-head of steamers rigged for carrying sail is merely to intimate to other vessels the approach or presence of such steamers.

NOTE 2d.—The object of the colored lights required to be carried on all steamers is to indicate to other vessels the course or direction such steamer may be steering.

NOTE 3d.—The object of requiring steamers not rigged for carrying sail to carry a white stern-light, in connection with a white light on the stem or near the bow, is to provide (when the vessel's rig will admit of it), by a central range of lights, a method of determining more correctly the course that such vessel is steering.

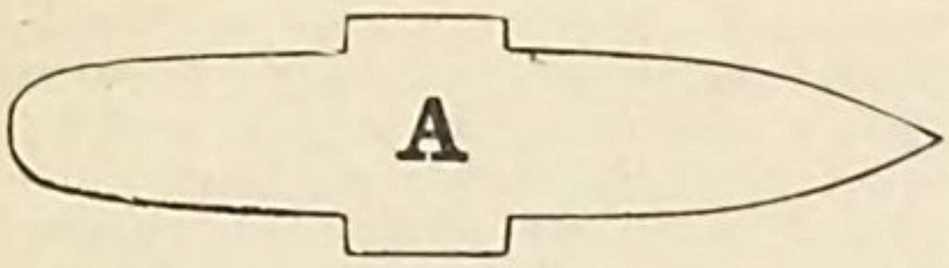
RULE XI.—When steamers are running in the same direction, and the pilot of the steamer which is astern shall desire to pass on the right or starboard hand of the steamer ahead, he shall give one short blast of the steam-whistle as a signal of such desire and intention, and shall put his helm to port; and the pilot of the steamer ahead shall answer by the same signal, or, if he prefer to keep on his course, he shall make the necessary signals, and the boat wishing to pass must govern herself accordingly, but the boat ahead shall in no case attempt to cross her bow or crowd upon her course.

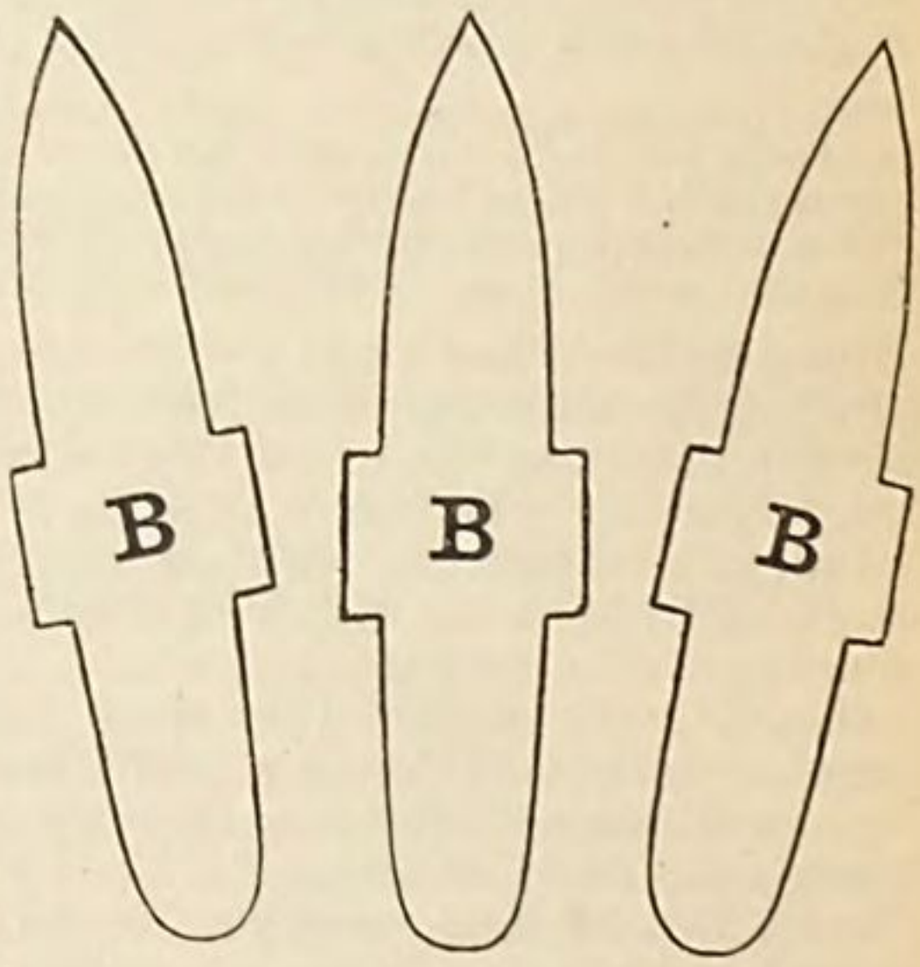
DIAGRAMS.

The following diagrams are intended to illustrate the working of the foregoing system of colored lights, and are to be used by pilots, in connection with the rules as sailing directions on meeting or nearing other steamers:

First situation.

In this situation the steamer A will only see the red light of the steamer B, in whichever of the three positions the latter may happen to be, because the green light will be hid from view; A will be assured that the port side of B is toward him, and that the latter is therefore crossing the bows of A in some direction to port;

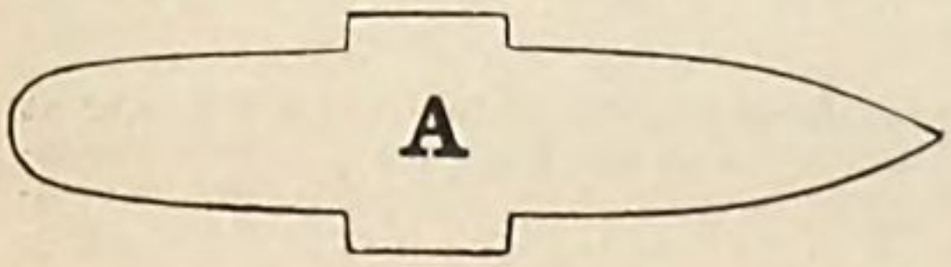




A will therefore (if so near as to fear collision) port his helm with confidence and pass clear. On the other hand, the steamer B, in either of the three positions, will see both the red and green lights of A, by which the former will know that a steamer is approaching directly toward him; B will act accordingly, and keep away if necessary.

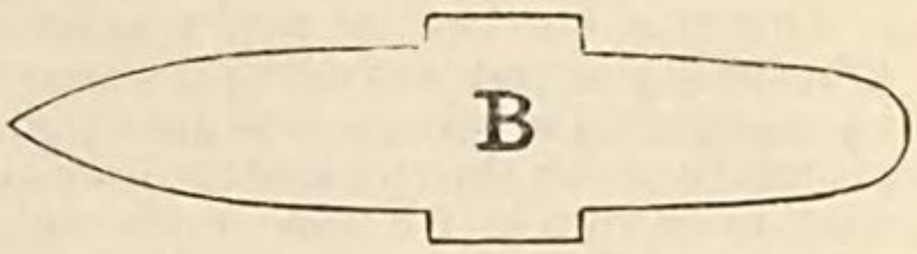
Second situation.

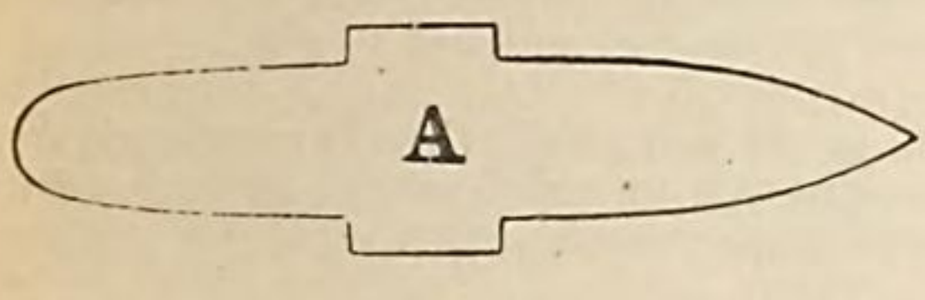
Here A will see B's green light only, which will clearly indicate to the former that B is crossing to starboard. Again, both the colored lights of A being visible to B, will apprise the latter that a steamer is steering directly toward him. If necessary, A shall starboard his helm; and if so near as to fear collision, the boat shall be slowed and stopped.



Third situation.

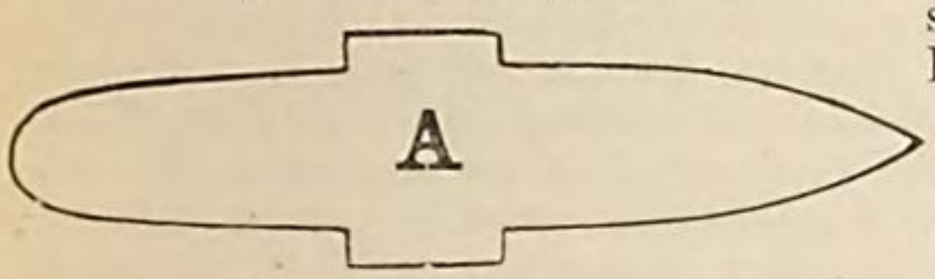
A and B will see each other's red light only, the screens preventing the green lights from being seen. Both vessels are evidently passing to port, which is rulable in this situation, each pilot having previously signified his intention by one blast of the steam-whistle.

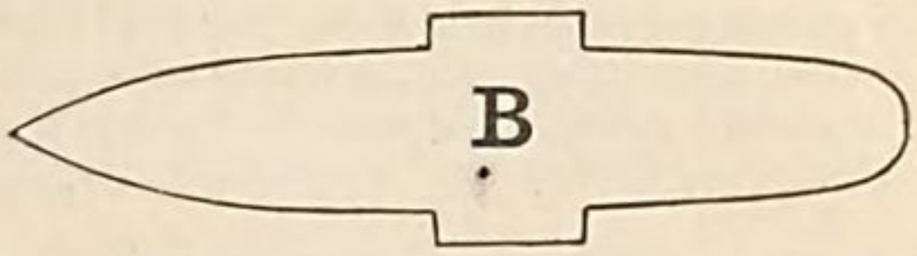




Fourth situation.

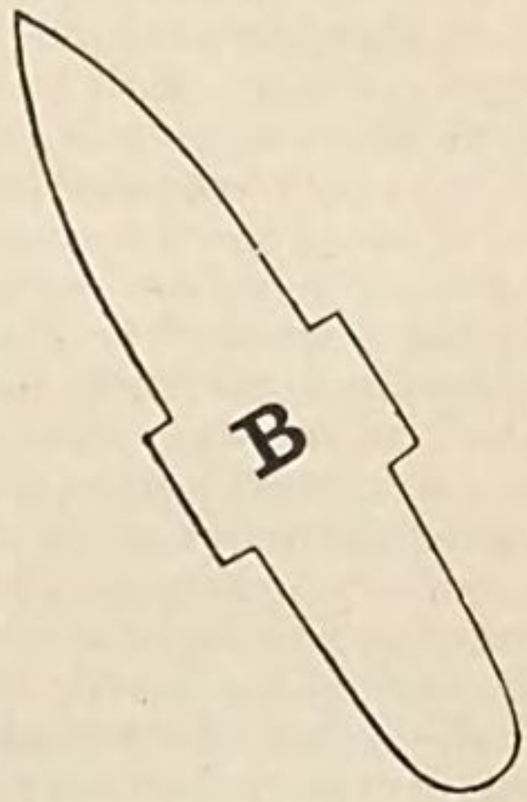
Here the green light only will be visible to each, the screens preventing the red light from being seen. They are, therefore, passing to starboard, which is rulable in this situation, each pilot having previously signified his intention by two blasts of the steam-whistle.





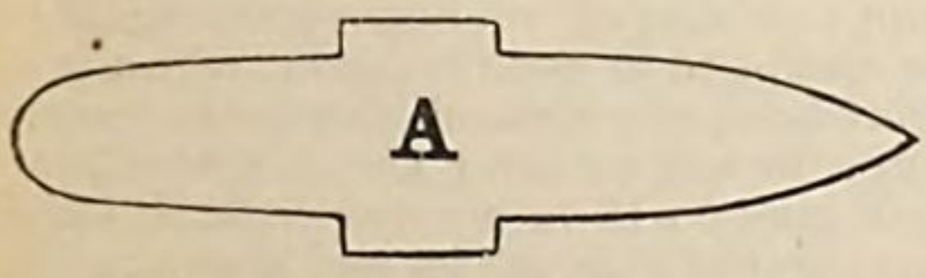
Fifth situation.

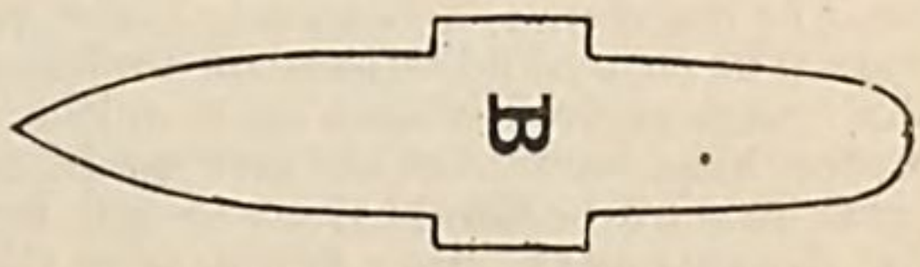
This is a situation requiring great caution; the red light of B in view to A, and the green light of A in view to B, will inform both that they are approaching each other in an oblique direction. A should put his helm to port, according to the standing rule mentioned in the next or sixth situation, and pass astern of B, while B should continue on his course, or port his helm, if necessary, to avoid collision, each having previously given one blast of the steam-whistle, as required by the rule, when passing to the right.



Sixth situation.

Here the two colored lights, visible to each, will indicate their direct approach ("head and head") toward each other. In this situation it is a standing rule that both shall put their helms to port and pass to the right, each having previously given





one blast of the steam-whistle. But when for good reasons, in rivers and narrow and difficult channels, a pilot finds it necessary to deviate from the standing rule just stated, he shall give early notice of such intention to the pilot of the other steamer by giving two blasts of the steam-whistle, and the pilot of the other vessel shall

answer promptly with two blasts of his whistle, and both boats shall pass to the left, as shown in the fourth situation.

The manner of fixing the colored lights should be particularly attended to. They will require to be fitted each with a screen of wood or canvas, on the inboard side, and close to the light, in order to prevent both being seen at the same moment from any direction but that of right ahead.

This is important, for without the screen any plan of bow-lights would be ineffectual as a means of indicating the direction of steering. This will be readily understood by a reference to the preceding illustrations, where it will appear evident that in any situation in which two vessels may approach each other in the dark, the colored lights will instantly indicate to both the relative course of each—that is, each will know whether the other is approaching directly, or crossing the bows either to starboard or to port.

This intimation, with the signals by whistle as provided, is all that is required to enable vessels to pass each other in the darkest night with almost equal safety as in broad day. If at anchor, all vessels, without distinction, must exhibit a bright white light at least twenty feet above the surface of the water.

PILOT RULES FOR WESTERN RIVERS.

Rules and regulations for the government of pilots of steamers navigating the rivers flowing into the Gulf of Mexico, and their tributaries. Revised and adopted by the Board of Supervising Inspectors June 12, 1871, *as authorized by act of Congress to provide for the better security of life on board of vessels propelled in whole or in part by steam, and for other purposes, approved February* 28, 1871, *to take effect January* 1, 1872. (*Amended January*, 1875.)

RULE I.—When steamers are approaching each other, the signal for passing shall be one sound of the steam-whistle to keep to the right, and two sounds of the steam-whistle to keep to the left. These signals to be made first by the ascending steamer. If the dangers of navigation, darkness of the night, narro wness of the channel, or any other cause, render it necessary for the descending boat to take the other side, she can do so by making the necessary signals, and the ascending steamer must govern herself accordingly. These signals to be observed by all steamers, either day or night.

RULE II.—Should steamers be likely to pass near each other, and these signals should not be made and answered by the time such boats shall have arrived at the distance of eight hundred yards from each other, the engines of both boats shall be stopped; or should the signal be given and not properly understood, from any cause whatever, both boats shall be backed until their headway shall be fully checked, and the engines shall not be again started ahead until the proper signals are made, answered, and understood. Doubts or fears of misunderstanding signals shall be expressed by several short sounds of the whistle in quick succession.

RULE III.—When two boats are about to enter a narrow channel at the same time, the ascending boat shall be stopped below such channel until the descending boat shall have passed through it; but should two boats unavoidably meet in such a channel, then it shall be the duty of the pilot of the ascending boat to make the proper signals, and, when answered by the descending boat, to lie as close as possible to the side of the channel the exchange of signals may have determined, as allowed by Rule I, and either stop the engines or move them so as only to give the boat steerage-way, and the pilot of the descending boat shall cause his boat to be worked slowly until he has passed the ascending boat.

RULE IV.—When a steamer is ascending and running close on a bar or shore, the pilot shall in no case attempt to cross the river when a descending boat shall be so near that it would be possible for a collision to ensue therefrom.

RULE V.—No pilot of a descending steamer shall run down any island chute which is not the usual channel of the river, except such chutes as are designated by these rules, or may hereafter be designated to the Board of Supervising Inspectors.

RULE VI.—When any steamer, whether ascending or descending, is nearing a short bend or point where, from any cause, a steamer approaching in an opposite direction cannot be seen at a distance of six hundred yards, the pilot of such steamer, when he shall have arrived within six hundred yards of that bend or point, shall give a signal of one long sound of his steam-whistle as a notice to any steamer that may be approaching; and should there be any approaching steamer within hearing of such signal, it shall be the duty of the pilot thereof to answer such signal by one long sound of his steam-whistle, when both boats shall be navigated with the proper precautions, as required by preceding rules.

RULE VII.—When a steamer is running in a fog or thick weather, it shall be the duty of the pilot to sound his steam-whistle at intervals not exceeding one minute.

RULE VIII.—When steamers are running in the same direction, and the pilot of the boat which is astern shall desire to pass either side of the boat ahead, he shall give the signal as in Rule I, and the pilot of the boat ahead shall answer by the same signal, or if he prefer to keep on his course, he shall make the necessary signals, and the boat wishing to pass must govern herself accordingly; but the boat ahead shall in no case attempt to cross her bow or crowd upon her course.

RULE IX.—When boats are moving from their docks or berths, and other boats are liable to pass from any direction towards them, they shall give the same signal as in case of boats meeting at a bend; but immediately after clearing the berth so as to be fully in sight, they shall be governed by Rule II.

RULE X.—All barges, when towed by steamers and navigated between sunset and sunrise, shall have their signal-lights, as required by law, placed in a suitable manner on the starboard bow of the starboard barge and on the port bow of the port barge, which lights shall not be less than ten feet above the surface of the water.

RULE XI.—Steamers descending the Ohio and Mississippi Rivers, between Louisville, Kentucky, and New Orleans, Louisiana, shall not run down any island chute, either by day or night, except those herein or hereinafter designated, unless such chutes are the usual channel of the river.

RULE XII.—The following island chutes may be navigated by descending steamers on the Ohio River between Louisville, Kentucky, and Cairo, Illinois, when the river shall be sufficiently high for them to do so with safety, viz: Blue River Island, Diamond Island, Golconda Island, Sister Islands, Stewart's Island, and Cumberland Island, either by day or night, and Wabash Island chute by daylight only.

RULE XIII.—All steamers descending the Mississippi River between Cairo and New Orleans may, in daylight, run any chute which has sufficient water for the purpose, and is free from obstructions.

RULE XIV.—All steamers descending the Mississippi River between Cairo and New Orleans during the time between sunset and sunrise, must keep the main channel, except in times of high water.

RULE XV.—Ascending steamers are not prohibited from running any island chutes.

RULE XVI.—Signal-lights for steamers under way are provided by law as follows, the same to be carried between sunset and sunrise:

For ocean steamers and steamers carrying sail, a bright white light at the foremast head, to throw the light through ten points of the compass on each side of the ship, viz, from right ahead to two points abaft the beam, and to be visible at least five miles. On the starboard side a green light, and on the port side a red light, each to throw the light through ten points of the compass on their respective sides, viz, from right ahead to two points abaft the beam, and to be visible at least two miles. These colored lights are to be fitted with inboard screens, projecting at least three feet forward from the light, to prevent them from being seen across the bow.

For steamers navigating waters flowing into the Gulf of Mexico, a red light on the outboard side of the port smoke-pipe, and a green light on the outboard side of the starboard smoke-pipe— these lights to show both forward and abeam on their respective sides.

For coasting steamers and those navigating bays, lakes, or other inland waters, other than ferry-boats and those above provided for, the red and green side-lights as prescribed for ocean steamers, and a central range of two white lights, the after light being carried at an elevation of at least fifteen feet above the light at the head of the vessel; the head-light to show through twenty points of the compass, viz, from right ahead to two points abaft the beam on either side of the vessel; and the after light to show all around the horizon.

For steamers towing other vessels, the colored lights will be the same as prescribed for ocean steamers; and two white mast-lights shall also be carried vertically, to distinguish them from other steamers; the white lights to show through twenty points of the compass, viz, from right ahead to two points abaft the beam on either side of the vessel; white lights shall also be placed on the extreme outside of the tow on either hand, and also on the extreme afterpart of the same.

RULE XVII.—A bright white light not exceeding twenty feet above the hull shall be exhibited by all steamers, when at anchor, between sunset and sunrise, in a globular lantern of eight inches in diameter, so placed as to throw a good light all around the horizon.

RULE XVIII.—Steam ferry-boats with two chimneys shall, in all cases, carry the same signal-lights as passenger steamers.

RULE XIX.—All other steamers, ferry or otherwise, having but one chimney, shall have brackets securely fastened to each side of the same, so as to carry the red and green lights the same as passenger steamers.

RULE XX.—When the license of a pilot is suspended or revoked he shall not act as steersman, or take part in the navigation of any steamer, during the time for which his license has been suspended or revoked.

RULE XXI.—The following points and bends in the Chattahoochie, Flint, and Apa-

lachicola Rivers, in the States of Florida and Georgia, are considered dangerous, and steamboats when navigating down stream must not make them "by the run:"

Short's Roads, Munroe's, Francis, upper and lower, Grace's, Prospect Bluff, Fort Gaines, T. T. Smith, and Smith and King's Rocks, on the Chattahoochie; Horseshoe, upper and lower, on the Flint; Devil's Elbow, upper and lower, and Cold Shades, on the Apalachicola.

RULE XXII.—The line dividing jurisdiction between pilot rules on western rivers and lakes and seaboard at New Orleans shall be a line drawn directly across the river from Jackson monument in Jackson square.

RULES RECOMMENDING CERTAIN FOG-SIGNALS TO BE OBSERVED BY STEAMERS, SAILING-VESSELS, AND OTHER CRAFT.

Every steamer, when under way, shall use a steam-whistle. Sailing-vessels, and all other craft propelled by sails, shall use a fog-horn.

Whenever there is a fog, whether by day or night, the fog-signals described below shall be sounded.

Sailing-vessels, and every craft propelled by sails, upon the ocean, lakes, and rivers, shall, when on their starboard tack, sound one blast of their fog-horn; when on their port tack, they shall sound two blasts of their fog-horn; when with the wind free, or running large, they shall sound three blasts of their fog-horn; when lying-to or at anchor, they shall sound *the bell*. In each instance the above signals shall be sounded at intervals of not more than two minutes.

Sailing-vessels, when not under way, and anchored or moored in the channel or fairway of commerce, shall sound *the bell* signal at intervals of not more than two minutes; and all steamers navigating in a fog or thick weather shall, by the rules governing pilots, sound their steam-whistle at intervals of not more than one minute.

Sailing-vessels shall at all times, on the approach of any steamer during the night-time, show a lighted torch upon that point or quarter to which such steamer shall be approaching. And upon any craft navigating rivers without being in tow of a steamer, such as rafts, flat-boats, wood-boats, and other like craft, they shall sound a fog-horn at intervals of not more than two minutes.

It shall at all times be the duty of steamers to give to the sailing-vessel, or other craft propelled by sails, every advantage, and keep out of her way.

NEW RULES.

At the court at Osborne House, Isle of Wight, the 14th day of August, 1879. Present: the Queen's most excellent majesty in council.

Whereas, by "the merchant shipping act amendment act, 1862," it was enacted that on and after the 1st day of June, 1863, or such later day as might be fixed for the purpose by order in council, the regulations contained in the table marked C in the schedule to the said act should come into operation, and be of the same force as if they were enacted in the body of the said act; but that Her Majesty might from time to time, on the joint recommendation of the admiralty and the board of trade, by order in council, annul or modify any of the said regulations, or make new regulations in addition thereto or in substitution therefor; and that any alterations in or additions to such regulations made in manner aforesaid should be of the same force as the regulations in the said schedule;

And whereas, by the same act, it was further provided that whenever it should be made to appear to Her Majesty that the government of any foreign country was willing that the regulations for preventing collisions contained in Table C in the schedule to the said act, or such other regulations for preventing collisions as are for the time being in force under the said act, should apply to the ships of such country when beyond the limits of British jurisdiction, Her Majesty might, by order in council, direct that such regulations should apply to the ships of the said foreign country, whether within British jurisdiction or not; and it was further provided by the said act that whenever an order in council had been issued applying any regulation made by or in pursuance of the said act to the ships of any foreign country, such ships should, in all cases arising in any British court, be deemed to be subject to such regulation, and should, for the purpose of such regulation, be treated as if they were British ships;

And whereas, by an order in council made in pursuance of the said recited act, and dated the 9th day of January, 1863, Her Majesty was pleased to direct—first, that the regulations contained in the schedule to the said act should be modified by the substitution for such regulations of certain regulations appended to the said order; secondly, that the said regulations appended to the said order should, on and after the

1st day of June, 1863, apply to French ships, whether within British jurisdiction or not;

And whereas, by several orders in council subsequently made, Her Majesty was pleased to direct that the regulations appended to the said order of the 9th of January, 1863, should apply to ships of the countries specified in the said orders, whether within British jurisdiction or not;

And whereas, by order in council dated the 30th day of July, 1868, Her Majesty, on the joint recommendation of the admiralty and the board of trade, was pleased to make certain additions to the regulations appended to the said first-recited order in council, for the purpose of explaining Articles 11 and 13 of the said regulations, and of removing doubt and misapprehension concerning the effect of the said two articles;

And whereas the admiralty and the board of trade have jointly recommended to Her Majesty that the regulations contained in the order in council dated the 9th day of January, 1863, and the additions to the said regulations contained in the said order in council of the 30th day of July, 1868, shall be annulled from the 1st day of September, 1880, and that there shall be substituted for the said regulations and additions respectively the new regulations hereinafter set forth;

And whereas it has been made to appear to Her Majesty that the governments of the several foreign countries mentioned in the second schedule hereto are respectively willing that the regulations contained in the first schedule hereto shall apply to ships of the said countries respectively, whether within British jurisdiction or not:

Now, therefore, Her Majesty, by virtue of the powers vested in her by the said recited act, and by and with the advice of her privy council, is pleased to direct—

First, that on and after the 1st day September, 1880, the regulations appended to the said order in council on the 9th day of January, 1863, and the additions to the said regulations contained in the said order in council of the 30th day of July, 1868, shall be annulled, and that there shall be substituted for the said regulations and additions respectively the new regulations contained in the first schedule hereto.

Second, that the said regulations contained in the said first schedule hereto shall, from and after the 1st day of September, 1880, apply to ships of the countries mentioned in the said second schedule hereto, whether within British jurisdiction or not.

C. L. PEEL.

FIRST SCHEDULE.

REGULATIONS FOR PREVENTING COLLISIONS AT SEA.

ARTICLE 1.

Preliminary.

In the following rules every steamship which is under sail and not under steam is to be considered a sailing-ship; and every steamship which is under steam, whether under sail or not, is to be considered a ship under steam.

ARTICLE 2.

Rules concerning lights.

The lights mentioned in the following articles, numbered 3, 4, 5, 6, 7, 8, 9, 10, and 11, and no others, shall be carried in all weathers from sunset to sunrise.

ARTICLE 3.

A seagoing steamship when under way shall carry—

(*a*) On or in front of the foremast, at a height above the hull of not less than 20 feet, and if the breadth of the ship exceeds 20 feet then at a height above the hull not less than such breadth, a bright white light, so constructed as to show an uniform and unbroken light over an arc of the horizon of 20 points of the compass; so fixed as to throw the light 10 points on each side of the ship, viz, from right ahead to two points abaft the beam on either side; and of such a character as to be visible on a dark night, with a clear atmosphere, at a distance of at least five miles.

(*b*) On the starboard side, a green light so constructed as to show an uniform and unbroken light over an arc of the horizon of 10 points of the compass; so fixed as to throw the light from right ahead to 2 points abaft the beam on the starboard side; and of such a character as to be visible on a dark night, with a clear atmosphere, at a distance of at least two miles.

(*c*) On the port side, a red light, so constructed as to show an uniform and unbroken light over an arc of the horizon of 10 points of the compass; so fixed as to throw the light from right ahead to 2 points abaft the beam on the port side; and of such a character as to be visible on a dark night, with a clear atmosphere, at a distance of at least two miles.

(*d*) The said green and red side lights shall be fitted with inboard screens projecting at least three feet forward from the light, so as to prevent these lights from being seen across the bow.

ARTICLE 4.

A steamship, when towing another ship, shall, in addition to her side lights, carry two bright white lights in a vertical line one over the other, not less than three feet apart, so as to distinguish her from other steamships. Each of these lights shall be of the same construction and character, and shall be carried in the same position as the white light which other steamships are required to carry.

ARTICLE 5.

A ship, whether a steamship or a sailing-ship, when employed either in laying or in picking up a telegraph cable, or which from any accident is not under command, shall at night carry, in the same position as the white light which steamships are required to carry, and, if a steamship, in place of that light, three red lights in globular lanterns, each not less than 10 inches in diameter, in a vertical line one over the other, not less than three feet apart; and shall by day carry in a vertical line one over the other, not less than three feet apart, in front of but not lower than her foremast head, three black balls or shapes, each two feet in diameter.

These shapes and lights are to be taken by approaching ships as signals that the ship using them is not under command, and cannot therefore get out of the way.

The above ships, when not making any way through the water, shall not carry the side lights, but when making way shall carry them.

ARTICLE 6.

A sailing-ship under way, or being towed, shall carry the same lights as are provided by article 3 for a steamship under way, with the exception of the white light, which she shall never carry.

ARTICLE 7.

Whenever, as in the case of small vessels during bad weather, the green and red side lights cannot be fixed, these lights shall be kept on deck, on their respective sides of the vessel, ready for use; and shall, on the approach of or to other vessels, be exhibited on their respective sides in sufficient time to prevent collision, in such manner as to make them most visible, and so that the green light shall not be seen on the port side nor the red light on the starboard side.

To make the use of these portable lights more certain and easy, the lanterns containing them shall each be painted outside with the color of the light they respectively contain, and shall be provided with proper screens.

ARTICLE 8.

A ship, whether a steamship or a sailing-ship, when at anchor, shall carry, where it can best be seen, but at a height not exceeding 20 feet above the hull, a white light, in a globular lantern of not less than eight inches in diameter, and so constructed as to show a clear, uniform, and unbroken light visible all round the horizon at a distance of at least one mile.

ARTICLE 9.

A pilot vessel, when engaged on her station on pilotage duty, shall not carry the lights required for other vessels, but shall carry a white light at the masthead, visible all round the horizon, and shall also exhibit a flare-up light or flare-up lights at short intervals, which shall never exceed fifteen minutes.

A pilot vessel, when not engaged on her station on pilotage duty, shall carry lights similar to those of other ships.

ARTICLE 10.

(*a*) Open fishing-boats and other open boats when under way shall not be obliged to carry the side lights required for other vessels; but every such boat shall in lieu thereof have ready at hand a lantern with a green glass on the one side and a red glass on the other side; and on the approach of or to other vessels such lantern shall be exhibited, in sufficient time to prevent collision, so that the green light shall not be seen on the port side, nor the red light on the starboard side.

(*b*) A fishing-vessel, and an open boat, when at anchor, shall exhibit a bright white light.

(*c*) A fishing-vessel, when employed in drift-net fishing, shall carry on one of her masts two red lights in a vertical line one over the other, not less than three feet apart.

(*d*) A trawler at work shall carry on one of her masts two lights in a vertical line one over the other, not less than three feet apart, the upper light red and the lower green, and shall also either carry the side lights required for other vessels, or, if the side lights cannot be carried, have ready at hand the colored lights, as provided in article 7, or a lantern with a red and a green glass, as described in paragraph (*a*) of this article.

(*e*) Fishing-vessels and open boats shall not be prevented from using a flare-up in addition, if they desire to do so.

(*f*) The lights mentioned in this article are substituted for those mentioned in the 12th, 13th, and 14th articles of the convention between France and England scheduled to the British Sea Fisheries Act, 1868.

(*g*) All lights required by this article, except side lights, shall be in globular lanterns, so constructed as to show all round the horizon.

ARTICLE 11.

A ship which is being overtaken by another shall show from her stern to such last-mentioned ship a white light or a flare-up light.

Sound signals for fog, &c.

ARTICLE 12.

A steamship shall be provided with a steam-whistle or other efficient steam sound signal, so placed that the sound may not be intercepted by any obstructions, and with an efficient fog-horn to be sounded by a bellows or other mechanical means, and also with an efficient bell. A sailing-ship shall be provided with a similar fog-horn and bell.

In fog, mist, or falling snow, whether by day or night, the signals described in this article shall be used as follows; that is to say:

(*a*) A steamship under way shall make with her steam-whistle, or other steam sound signal, at intervals of not more than two minutes, a prolonged blast.

(*b*) A sailing-ship under way shall make with her fog-horn, at intervals of not more than two minutes, when on the stairboard tack one blast, when on the port tack two blasts in succession, and when with the wind abaft the beam three blasts in succession.

(*c*) A steam ship and sailing-ship, when not under way, shall, at intervals of not more than two minutes, ring the bell.

ARTICE 13.

Speed of ships to be moderate in fog, &c.

Every ship, whether sailing-ship or steamship, shall, in a fog, mist, or falling snow, go at a moderate speed.

ARTICLE 14.

Steering and sailing rules.

When two sailing-ships are approaching one another, so as to involve risk of collision, one of them shall keep out of the way of the other, as follows, viz:

(*a*) A ship which is running free shall keep out of the way of a ship which is close-hauled.

(*b*) A ship which is close-hauled on the port tack shall keep out of the way of a ship which is close-hauled on the starboard tack.

(*c*) When both are running free, with the wind on different sides, the ship which has the wind on the port side shall keep out of the way of the other.

(*d*) When both are running free, with the wind on the same side, the ship which is to windward shall keep out of the way of the ship which is to leeward.

(*e*) A ship which has the wind aft shall keep out of the way of the other ship.

ARTICLE 15.

If two ships under steam are meeting end on, or nearly end on, so as to involve risk of collision, each shall alter her course to starboard, so that each may pass on the port side of the other.

This article only applies to cases where ships are meeting end on, or nearly end on, in such a manner as to involve risk of collision, and does not apply to two ships which must, if both keep on their respective courses, pass clear of each other.

The only cases to which it does not apply are, when each of the two ships is end on, or nearly end on, to the other; in other words, to cases in which, by day, each ship sees the masts of the other in a line, or nearly in a line, with her own; and, by night, to cases in which each ship is in such a position as to see both the side lights of the other.

It does not apply, by day, to cases in which a ship sees another ahead crossing her own course; or, by night, to cases where the red light of one ship is opposed to the red light of the other, or where the green light of one ship is opposed to the green light of the other, or where a red light without a green light, or a green light without a red light, is seen ahead, or where both green and red lights are seen anywhere but ahead.

ARTICLE 16.

If two ships under steam are crossing, so as to involve risk of collision, the ship which has the other on her own starboard side shall keep out of the way of the other.

ARTICLE 17.

If two ships, one of which is a sailing-ship and the other steamship, are proceeding in such directions as to involve risk of collision, the steamship shall keep out of the way of the sailing-ship.

ARTICLE 18.

Every steamship, when approaching another ship, so as to involve risk of collision, shall slacken her speed or stop and reverse if necessary.

ARTICLE 19.

In taking any course authorized or required by these regulations, a steamship under way may indicate that course to any other ship which she has in sight by the following signals on her steam-whistle, viz:

One short blast to mean "I am directing my course to starboard."

Two short blasts to mean "I am directing my course to port."

Three short blasts to mean "I am going full speed astern."

The use of these signals is optional; but if they are used the course of the ship must be in accordance with the signal made.

ARTICLE 20.

Notwithstanding anything contained in any preceding article, every ship, whether a sailing-ship or a steamship, overtaking another, shall keep out of the way of the overtaken ship.

ARTICLE 21.

In narrow channels every steamship shall, when it is safe and practicable, keep to that side of the fairway or mid-channel which lies on the starboard side of such ship.

ARTICLE 22.

Where, by the above rules, one of two ships is to keep out of the way, the other shall keep her course.

ARTICLE 23.

In obeying and construing these rules due regard shall be had to all dangers of navigation, and to any special circumstances which may render a departure from the above rules necessary in order to avoid immediate danger.

ARTICLE 24.

No ship, under any circumstances, to neglect proper precautions.

Nothing in these rules shall exonerate any ship, or the owner, or master, or crew thereof, from the consequences of any neglect to carry lights or signals, or of any neglect to keep a proper lookout, or of the neglect of any precaution which may be required by the ordinary practice of seamen, or by the special circumstances of the case.

ARTICLE 25.

Reservation of rules for harbors and inland navigation.

Nothing in these rules shall interfere with the operation of a special rule, duly made by local authority, relative to the navigation of any harbor, river, or inland navigation.

ARTICLE 26.

Special lights for squadrons and convoys.

Nothing in these rules shall interfere with the operation of any special rules made by the government of any nation with respect to additional station and signal lights for two or more ships of war or for ships sailing under convoy.

O

46TH CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { Ex. Doc. No. 56.

GEORGE WILLIAMS.

LETTER

FROM

THE SECRETARY OF WAR,

IN RELATION TO

The papers in the claim of George Williams.

MARCH 8, 1880.—Referred to the Committee on Military Affairs and ordered to be printed.

WAR DEPARTMENT,
Washington City, March 6, 1880.

SIR: I have the honor to renew my recommendation of the 13th ultimo, that the papers then transmitted to the House of Representatives be printed. The said papers were full transcripts from departmental records of the facts then found relative to the claim of George Williams, were furnished in accordance with House resolutions of January 14 and 20, 1880, and were laid before the House and referred to the Committee on Claims on the 20th ultimo. This last-mentioned fact appears on page 13 of the Congressional Record, No. 50, February 21, 1880.

ALEX. RAMSEY,
Secretary of War.

To the SPEAKER
of the House of Representatives.

WAR DEPARTMENT,
Washington City, February 13, 1880.

SIR: I have the honor to transmit to the House of Representatives, in compliance with its resolutions dated January 14 and 20, 1880, certified copies of all papers called for in said resolutions, found in this office and the Treasury Department, touching the payment of a claim under the provisions of an act approved January 13, 1879, for the relief of George Williams.

It is recommended that these papers be printed in document form in the order designated on the accompanying list.

ALEX. RAMSEY,
Secretary of War.

To the SPEAKER
of the House of Representatives.

LIST OF PAPERS.

1. War Department certificate, January 27, 1880, papers 1 to 5.
2. Act approved January 13, 1879.
3. Office memorandum of Bvt. Capt. Thomas H. Bradley, January 23, 1879
4. Indorsement of the Secretary of War, not dated.
5. Report of Chief Clerk H. T. Crosby, not dated.
6. Treasury Department certificate, February 10, 1880, papers 6 to 50.
7. Special Orders, No. 56, A. G. O.—Order convening board, March 10, 1879.
8. Special Orders, No. 60, A. G. O.—Order amending first order, March 13, 1879.
9. Letter of president of board of engineers, April 9, 1879.
10. Report of board, April 9, 1879.
11. Extract from Capt. W. R. King's report, March 27, 1879.
12. Affidavit of C. L. Williams, April 5, 1879.
13. Pamphlet of Williams, Exhibit A, including copies of contracts between M. G. Kennedy and Major McFarland, dated December 13, 1875; George Williams and McFarland, March 13, 1876; George Williams and Captain King, October 14, 1876.
14. Abstract of disbursements, Exhibit B.
15. Analysis of disbursements, as shown by Exhibit B.
16. Indorsement of Secretary of War, April 11, 1879.
17. C. L. Williams's affidavit, April 17, 1879.
18. C. L. Williams's affidavit, April 17, 1879.
19. Indorsement of Secretary of War, April 17, 1879.
20. Report of Chief of Engineers, May 3, 1879.
21. Report of Capt. W. R. King, Corps of Engineers, April 26, 1879. } AA.
22. Inclosure 1 to King's report. } AA.
23. Inclosure 2 to King's report. } AA.
24. Inclosure 3 to King's report. } AA.
25. Table of bids for sections, marked BB.
26. Table of bids for locks, marked CC.
27. Indorsement of Secretary of War to Judge-Advocate-General, May 5, 1879.
28. Report Judge-Advocate-General, May 9, 1879.
29. C. L. Williams's letter, May 15, 1879.
30. C. L. Williams's statement, not dated.
31. Indorsement of Secretary of War, reference to two senior members of the board, May 21, 1879.
32. Affidavit of C. L. Williams, June 10, 1879.
33. Inclosure to Williams's affidavit, May 8, 1879.
34. Inclosure to Williams's affidavit, May 16, 1879.
35. Inclosure to Williams's affidavit, May 17, 1879.
36. Inclosure to Williams's affidavit, May 19, 1879.
37. Inclosure to Williams's affidavit, May 27, 1879.
38. Inclosure to Williams's affidavit, May 31, 1879.
39. Report of two senior members of the board, June 10, 1879.
40. Memoranda of Secretary of War, June 24, 1879.
41. Approval of award of board by Secretary of War, June 24, 1879.
42. Report of Senate Committee on Military Affairs, June 7, 1878.
43. Copy of Senate bill 1244.
44. Settlement certificate of June 27, 1879.
45. Letter of Chief Clerk Crosby to Third Auditor, June 28, 1879.
46. Indorsement of Chief Clerk Crosby to Chief of Engineers, June 28, 1879.
47. Indorsement of Chief of Engineers to Secretary of War, June 30, 1879.
48. Indorsement of Chief Clerk Crosby to Third Auditor, July 1, 1879.
49. Letter of Chief of Engineers to Third Auditor, August 4, 1879.
50. Request of Second Comptroller, not dated.
51. War Department certificate, January 27, 1880, papers 51 to 61, inclusive.
52. Hon. G. G. Dibrell to Secretary of War, September 24, 1879.
53. Hon. G. G. Dibrell to Chief of Engineers, September 29, 1879.
54. Chief of Engineers to Secretary of War, October 3, 1879.
55. Capt. Thomas H. Bradley, report, October 23, 1879.
56. Exhibit A to Bradley's report.
57. Exhibit B to Bradley's report.
58. Exhibit C to Bradley's report.
59. Exhibit D to Bradley's report.
60. Secretary of War to Hon. G. G. Dibrell, November 6, 1879.
61. Second Comptroller to Secretary of War, December 2, 1879.
62. House resolution, January 14, 1880.
63. War Department reference to Third Auditor, January 16, 1880.
64. Third Auditor to Secretary of War, February 11, 1880.
65. House resolution, January 20, 1880.

No. 1.

UNITED STATES OF AMERICA:

WAR DEPARTMENT,
Washington City, January 27, 1880.

Pursuant to section 882 of the Revised Statutes, I hereby certify that the annexed are true copies of papers on file in this department.

In witness whereof I have hereunto set my hand and caused the seal of the War Department to be affixed on the day and year first above written.

[SEAL.]

ALEX. RAMSEY,
Secretary of War.

No. 2.

AN ACT for the relief of the legal representatives of George Williams, deceased.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be, and is hereby, authorized to adjust and settle, upon just and equitable terms, the claim of George Williams for balance due for building locks two, three, and four, of Muscle Shoals Canal, on Tennessee River, and on a contract for section work, done under power of attorney from Matthew G. Kennedy: *Provided,* That in making said settlement the said Secretary of War shall not allow the legal representatives of said George Williams, deceased, more than his actual expenditures, with reasonable compensation for the use of tools and for money advanced in the prosecution of said work: *And provided further,* That no allowance or payment shall be made under this act except in pursuance of a recommendation of a board of not less than three engineers, to be appointed by the Secretary of War to inquire into and report upon the character and value of the work done and the merits of the claim.

Approved January 13, 1879.

No. 3.

WAR DEPARTMENT, DIVISION OF REQUISITIONS AND ACCOUNTS,
January 23, 1879.

Regarding an act for the relief of the legal representatives of George Williams, deceased, approved January 13, 1879.

Question. Is there any appropriation subject to the requisition of the Secretary of War from which the claim can be paid?

Opinion. The appropriation for improving Tennessee River is available for the purpose. (See 19 Stat., 138; 20 Stat., 154; and Digest 1879, p. 105.) Balance on hand, $337,000.

THOS. H. BRADLEY,
Bvt. Capt. U. S. A.

For the SECRETARY OF WAR.

No. 4.

[Endorsement on above.]

Mr. CROSBY: Please look into this matter a little more fully and make report, citing precedents, if any. It will not be acted on for ten days.

G. W. M.

No. 5.

In the matter of the claim of George Williams, of Keokuk, Iowa.

This claim is for work done and expenses incurred on the Muscle Shoals Canal and locks on the Tennessee River. It was presented originally to the Engineer Department, but that department decided adversely to its merits, principally upon the

ground that, upon the basis of the contract alone, a fair and just settlement had already been made; but the Committee on Claims of the House of Representatives, upon full consideration of all the facts, reported upon it favorably, and an act was passed by Congress giving the Secretary of War authority to "adjust and settle, upon just and equitable terms, the claim, after a favorable report of a board of three engineer officers, to be appointed by the Secretary of War, to inquire into and report upon the character of the work and the merits of the claim."

This report has been made and approved by the Secretary of War, in conformity to the law, the claimant being awarded a sum of $.

The claim is made upon the appropriation for the work (title of appropriation, "Improving Tennessee River"), being for "actual expenditures" made, "compensation for tools," and "money advanced" for the building of certain locks and in the prosecution of work upon the same for the Engineer Department, for the Muscle Shoals Canal. The appropriation for the work mentioned is made in the river and harbor appropriation acts for several years past, and is what is technically designated as a "no limit appropriation"; that is, not confined to any one fiscal year, but available for any year during which the work may be in progress and until its completion.

An analogous case as to the proper mode of payment is found in the settlement of the claim of Mr. N. G. Thom, a contractor with the Engineer Department, for building hull and a portion of the upper works of an iron snagboat, under contract dated February 5, 1873. There was no specific appropriation for the boat, but it was to be paid for out of the appropriation *for improving the Mississippi, Missouri, and Arkansas Rivers*, as a necessary means to carry on that work. Mr. Thom agreed to complete the building and delivering of the hull and a portion of the upper works of the boat on or before September 30, 1873, according to certain specifications and drawings, &c., or forfeit for each day's delay beyond the time specified, for which no just or acceptable excuse could be shown, the sum of $100 per day.

He did not complete the work until 111 days after the expiration of his contract, and was charged with $11,100 forfeiture, deducted by Major Suter.

He also claimed an allowance for extra work and material over and above the amount allowed by Major Suter, under the terms of the contract.

A board of engineer officers was, by direction of the Secretary of War, ordered to investigate and report upon the claim.

Their report was favorable to the claimant in respect to the excuse he offered for not delivering the boat in time, and recommended that the sum deducted be paid, but upon the extra work and material, about which Major Suter held the contractor had been paid according to contract, the board recommended an additional allowance to him of $7,008.75, for the reason "that it would be just to give the contractor the benefit of the doubt in all cases where the work was not distinctly called for by the specifications or by the drawings which were furnished when the contract was let." Total allowance, $18,108.75.

The Chief of Engineers thereupon recommended "that Major Suter be authorized to pay to Mr. Thom the above sum," &c., which recommendation was approved by the Secretary of War, and accordingly on January 3rd, 1876 (that is, about three years after the expiration of the contract), the Chief of Engineers drew his request for requisition for said amount, upon the "appropriation for improving the Mississippi and Missouri Rivers," in favor of Major Suter, who paid the amount, as per voucher on file with his account with the Third Auditor, in February, 1876. The requisition of the Secretary of War was dated January 5, 1876, and the money remitted to Major Suter February 3, 1876, from the appropriation aforesaid, and paid by the latter.

Respectfully submitted.

H. T. CROSBY,
Chief Clerk.

No. 6.

UNITED STATES OF AMERICA:

TREASURY DEPARTMENT,
February 10, 1880.

Pursuant to section 882 of the Revised Statutes, I hereby certify that the annexed are true copies of papers in the claim of C. L. Williams, administrator of George Williams, on file in this department.

In witness whereof I have hereunto set my hand and caused the seal of the Treasury Department to be affixed, on the day and year first above written.

[SEAL.]

JOHN SHERMAN,
Secretary of the Treasury.

No. 7.

[Special Orders No. 56.]

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, March 10th, 1879.

By direction of the Secretary of War, and in pursuance of the provisions of the act of Congress approved January 13th, 1879, entitled "An act for the relief of the legal representatives of George Williams, deceased," a board of engineers, to consist of Colonel John N. Macomb, Colonel Z. B. Tower, Captain L. C. Overman, is hereby appointed to meet at Chattanooga, Tennessee, on the 18th day of March, 1879, or as soon thereafter as practicable. The board is authorized to visit such localities as may be deemed necessary to enable it to comply with such of the requirements of the act mentioned as are contemplated for its action, and will also report:

1st. The actual expenditures of the said contractor, George Williams, and his legal representatives, upon the works described in said act.

2d. The character and quality of the work done.

3d. Whether the expenditures in the prosecution of the said work were reasonable and proper.

4th. What would be a reasonable compensation for the use of tools and for money advanced in the prosecution of said work.

5th. What sum, if anything, should be allowed under the provisions of said act, in adjusting and settling the claim upon just and equitable terms.

6th. Any other matter or recommendation which may occur to the board as proper to be submitted.

The junior member of the board will act as recorder.

By command of General Sherman.

E. D. TOWNSEND,
Adjutant-General.

Official.

R. C. DRUM,
Asst. Adjt. General.

Capt. OVERMAN,
(Thro' Chief of Engineers.)

No. 8.

[Special Orders No. 60.]

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, March 13th, 1879.

[Extract.]

* * * * * * *

5. By direction of the Secretary of War, Col. O. M. Poe, aide-de-camp (major Corps of Engineers), is detailed for duty as a member of the board of engineers appointed to meet at Chattanooga, Tennessee, on the 18th instant, by Special Orders No. 56, March 10th, 1879, from this office, *vice* Colonel Z. B. Tower, Corps of Engineers, hereby relieved.

* * * * * * *

By command of General Sherman.

E. D. TOWNSEND,
Adjutant-General.

Official.
(Signed)

SAML. BRECK,
Asst. Adjutant-General.

No. 9.

KEOKUK, IOWA, *9th April*, 1879.

To the Hon'l G. W. MCCRARY,
Secretary of War, Washington, D. C.:

SIR: I have the honor to transmit herewith the report of the board of engineers constituted by S. O. No. 56, dated Headquarters of the Army, A. G. O., Washington, D. C., March 10th, 1879, & S. O. No. 60 (par. 5), dated Headquarters of the Army, A. G. O., Washington, D. C., March 13th, 1879, in the case of the claim of the estate of the late Geo. Williams, for payment on account of work done as contractor on the Muscle Shoals Canal of the Tennessee River.

The report is accompanied by Exhibits A and B, & the affidavit of C. L. Williams, administrator, &c.

I remain, very respectfully, your mo. ob't s'v't,

J. N. MACOMB,
Col. Engs., U. S. Army,
President of the Board.

(Four enclosures.)

No. 10.

KEOKUK, IOWA, *April 9th*, 1879.

To the Honorable the SECRETARY OF WAR:

SIR: The Board of Engineers, constituted in pursuance of "An act of Congress, approved January 13th, 1879," and by Special Orders No. 56 and 60, Headquarters of the Army, A. G. O., copies of which are hereto appended, respectfully report that they assembled at Chattanooga, Tennessee, on Wednesday, March 19th, 1879.

Mr. C. L. Williams, administrator of the estate of George Williams (deceased), being present, submitted to the board a large number of papers in regard to the claim the board was called to consider, and progress was made in their examination until the evening of the next day, when the board, accompanied by Mr. Williams and by Major W. R. King, engineer officer in charge of the "Muscle Shoals Canal" improvement, proceeded via Florence, Ala., to examine the work done under the contracts of George Williams and that of Matthew G. Kennedy.

The party arrived upon the work next day (Friday, March 21st), and devoted the remainder of that day and more than half of the next to the special object of the visit, reaching Chattanooga again via "Milton's Bluff" and "Whaler's Station," on Monday evening, March 24th. The next three days and part of the fourth, were devoted to further examination of the papers of Mr. Williams in the case, as well as such as the board had obtained from Major King and his Ass't Engineers, Messrs. J. C. Long and Robert Hooke, both of whom have been engaged upon the work during the whole period of time covered by the claim, under the contracts of George Williams and M. G. Kennedy.

The board, finding it impossible to arrive at final conclusions in regard to the claim, from the data brought by Mr. C. L. Williams to Chattanooga, then at noon on Friday, March 28th, started for Keokuk, Iowa, where all books and papers of the late Geo. Williams were supposed to be stored, reaching there on the evening of Monday, March 31st. Here the work of the board was greatly facilitated, but it nevertheless involved a large amount of patient labor, extending over the period of an entire week.

The duty which the act of January 13th, 1879, prescribes for the Board of Engineers therein provided for, is "to inquire into and report upon the character and value of the work done and the merits of the claim."

With regard to the character of the work done, the board find that it is essentially as provided for in the contracts, being slightly modified by the mutual consent of the parties thereto. The modifications were of such a character as not to increase, but rather to lessen the aggregate cost of the work. It is extremely difficult, if not impossible, to arrive at a measure of the "*value* of the work done." It is probably not much, if any, less than the amount already paid under the terms of the contracts themselves, and it is not probable that it exceeds the amount of the disbursements by the contractor and his legal representatives. These two extremes differ by more than a hundred thousand dollars, which is nearly fifty per cent. of the smaller amount; with so great a difference between the probable limits of value, the board find it impracticable to fix a definite sum as the actual "*value* of the work done."

Next, as to "the *merits* of the claim." Upon the basis of the contracts alone, it is the opinion of the board that a fair and just settlement has been made by the local engineer officer. But the large excess of expenditures by the contractor and his legal representatives, over and above the amount paid on account of the contracts, indicates a considerable loss, and in view of the spirit of the act of Congress, the claim is meritorious. To what extent will be discussed further on.

The orders convening the Board of Engineers, makes it their duty after complying "with such of the requirements of the act mentioned as are contemplated for its action," to "also report:"

"1st. The actual expenditures of the said contractor, George Williams and his legal representatives, upon the works described in said act.

"2nd. The character and quality of the work done.

"3d. Whether the expenditures in the prosecution of the said work were reasonable and proper.

"4th. What would be a reasonable compensation for the use of tools and for money advanced in the prosecution of said work.

"5th. What sum, if anything, should be allowed under the provisions of said act, in adjusting and settling the claim upon just and equitable terms.

"6th. Any other matter or recommendation which may occur to the board as proper to be submitted."

The records of the late George Williams, and of C. L. Williams, the administrator of his estate, have been examined, vouchers compared with them, and the abstract of disbursements, marked Exhibit B, accompanying this report, verified so far as to show that the several amounts were actually expended, and for objects appropriate to such works as those in question.

It further appears that the greater portion of the disbursements were made at or in the vicinity of the "Muscle Shoals Canal," thus strengthening the inference that they were actually made on account of the works.

With these preliminary remarks the board report:

1st. That "the actual expenditures of the said Geo. Williams and his legal representatives, upon the works described in said act," amount to the sum of three hundred and thirty-seven thousand four hundred and ninety-five dollars and twenty-three cents ($337,495.23).

2d. That "the character and quality of the work done" was essentially the same as specified in the contracts, the difference being in the items "timber and plank," "concrete," "wrought iron," and "cast iron." Except a very small quantity of concrete, no portion of the material or labor covered by these items has been used in the construction. Their omission was determined upon with the free consent of the contractor, for reasons satisfactory to the engineer in charge, and in the exercise of powers reserved to him in the contracts themselves. The changes involved in this course, were manifestly to the advantage of the contractor, as is shown by the prices named in the contracts for such materials and labor, notably in the item of "timber and plank."

"The quality of the work done," so far as it is now practicable to inspect it, is such as to justify the acceptance it has already received at the hands of the local engineer officer. It is apparently good work of the kind specified in the contracts.

3d. That in finding upon the question, "Whether the expenditures in the prosecution of said works were reasonable and proper," the board has been embarrassed by the natural inference that the contractor, in undertaking the work, did so with a desire to make a profit, and brought into the enterprise a considerable degree of experience, which, with the end in view, would direct him in the way of a reasonable economy.

To determine, if possible, whether the facts confirm this inference, the board has analyzed the expenditures covered by Exhibit B, the result being such as to lead to the conclusion that whilst the expenditures are in their *nature* "reasonable and proper" enough, yet, in *amount*, some of them cannot well be called *reasonable*. Amongst them may be named—

Traveling expenses	$7,035 56
Interest & exchange	12,688 61
Feed for stock	1,478 90
Telegrams	1,438 07
Boats, skiffs, &c	1,169 61

These items, whilst they are not very great in the aggregate, yet indicate some degree of extravagance in the prosecution of the work.

Two-thirds of the amount of the disbursements is made up of pay-rolls for labor. An inspection of these showed that the rates of pay were high, and the board cannot resist the conclusion that this was due, in some degree, to the high rate charged the men for boarding, namely, $4.00 per week or 57 c. per day. A proper economy in this respect would have suggested some arrangement by which the men could have been boarded for one-half that amount (the government now boards laborers at the same point for still less), resulting in a corresponding reduction of laborers' wages, still leaving the laborer the same net pay, but reducing the aggregate amount of the pay lists about $40,000. The computation upon which this estimate is made is as follows: There were probably not less than 160,000 days' labor expended upon the works included

in the contracts in question. A saving of 25 c. per day in the board bill of each man would be $40,000 in the aggregate.

4th. "What would be a reasonable compensation for the use of tools and for money advanced in the prosecution of said work?"

The compensation for use of tools has been difficult to determine, for the reason that the administrator of the late contractor could not furnish the board with an inventory and appraisement of the tools, machinery, &c., &c., taken to the works at the commencement of operations.

The administrator's estimate of their value is, however, sixty thousand dollars ($60,000), which the board has accepted in the absence of the detailed information. On that basis the board are of the opinion that twenty-one thousand dollars ($21,000) would be "a reasonable compensation for use of tools" for 28 months' time, the period covered by the contracts. This amount ($21,000) the board have tested by various calculations, upon both the estimate and present inventories, all of which give practically the same sum.

As to what would be a reasonable compensation "for money advanced in the prosecution of the work," attention is invited to the aggregate admitted in the abstract of disbursements under the heads of interest (see Exhibit B), amounting to twelve thousand three hundred and six dollars and twenty-one cents ($12,306.21). At ten per cent. per annum it represents a capital of one hundred and five thousand four hundred and eighty-one dollars and eighty cents ($105,481.80) for a period of fourteen months, or half the time occupied in the prosecution of the work. The moment this item of interest is allowed in the disbursements, *i. e.*, is assumed by the United States, that moment the capital represented by it becomes the capital of the United States, and stands exactly in the same light as if the amount had been advanced to the contractor by the United States, and nothing further remains due the contractor in the form of *compensation* for money advanced (capital), unless the *difference* between the total disbursements (exclusive of interest) and the total payments made under his contracts exceeds this represented capital. This *difference* is ninety-three thousand eight hundred and ninety-nine dollars and eighty-five cents ($93,899.85), and being less than the capital represented by the interest allowed, it is the opinion of the board that nothing further is due the contractor or his legal representatives under the head of "compensation for money advanced in the prosecution of the work."

5th. In determining upon "what sum, if anything, should be allowed under the provisions of said act in adjusting and settling the claim upon just and equitable terms," the board have been influenced to a great extent by the language, contained in the report of the Committee on Claims of the House of Representatives, as printed on pages 10 and 11 of the Congressional Record of December 21st, 1878, viz:

"Your committee have not undertaken to determine what sum the claimant should receive in full compensation for his damages, but it is submitted that the Secretary of War may, with great propriety, be authorized to settle the claim upon just and equitable terms, by allowing the claimant not more than his actual expenditures, with a reasonable compensation for the use of his tools, and for money advanced in the prosecution of the work. * * *"

Upon the report of the committee, the House at once passed the bill approved January 13th, 1879, and by such action give a construction to the terms "just and equitable," which the board have not felt at liberty to ignore.

They therefore *state* the claim "by allowing the claimant not more than his actual expenditures, with a reasonable compensation for the use of his tools and for money advanced in the prosecution of the work," as follows, viz:

Actual expenses (including interest, exchange, and protest fees) of George Williams and his legal representatives in the prosecution of work under his contracts, and of Matthew G. Kennedy for certain work at Muscle Shoals Canal, Ala	$337,495 23
Compensation for the use of his tools in the prosecution of the work	21,000 00
Total credits	$358,495 23
From which should be deducted the following debits, viz:	
Amount of cash paid on estimates	$231,287 29
Approximate amount allowed in Major King's purchase of machinery, tools, and buildings, exclusive of the value of tools brought by Williams from Keokuk. This amount has been included in the abstract of disbursements (Exhibit B), and is now to be deducted	14,629 85
Railroad iron, included in the abstract of disbursements (Exhibit B), but still in possession of Williams, through his lease to S. M. Kimball.	2,708 75
Amount received by Williams as profit on his "Tenn. River store"	8,332 62
Total debits	$256,958 51

RECAPITULATION.

Total credits	$358,495 23
Total debits	$256,958 51
Remainder, to the credit of the legal representatives of Geo. Williams, deceased, constituting the measure of relief prepared under the act of January 13th, 1879	$101,536 72

6th. In conclusion, the board desire to say, that in recommending the payment to the legal representatives of the late George Williams of the balance ($101,536.72), as determined by the statement immediately preceding, they aim to cover all the *losses* incurred in the prosecution of the work on locks 2, 3, and 4, of Muscle Shoals Canal, under his contracts, and that done by him on section work as attorney under the contract of Matthew G. Kennedy, such being their understanding of the intention of the act of relief of January 13th, 1879, as construed in the light of the report of the Committee on Claims of the House of Representatives, which was duly read in the House, and immediately after the reading of said report the act in question was passed by that body.

The following is a list of the papers appended to and forming part of this report, viz:

1st. Special Orders No. 56, Headquarters of the Army, Adjutant General's Office, Washington, March 10th, 1879.

2nd. Paragraph 5, Special Orders No. 60, Headquarters of the Army, Adjutant General's Office, Washington, March 13th, 1879.

3d. Analysis of disbursements, as shown by Exhibit B.

4th. Copy of the act, Private No. 7, entitled an act for the relief of the legal representatives of Geo. Williams, deceased, approved January 13th, 1879.

And the following papers accompany the report, viz:

1st. Exhibit A, being pamphlet in the matter of Senate bill 1244, for the relief of Geo. Williams, 1878.

2nd. Exhibit B, abstract of disbursements and receipts on account of Muscle Shoals Canal, by Geo. Williams and his legal representatives, under his contract for lock work. Also section work under "power of attorney from Matthew G. Kennedy."

3d. Affidavit of C. L. Williams, administrator of the estate of George Williams, deceased, in the matter of his claim against the United States of America.

All of which is respectfully submitted.

J. N. MACOMB,
Col. Engrs., U. S. Army, President of the Board.
O. M. POE,
Major of Engrs., Bvt. Brig. Genl., U. S. A.
L. COOPER OVERMAN,
Capt. Corps of Engrs., U. S. Army.

No. 11.

D D.

UNITED STATES ENGINEER OFFICE,
Chattanooga, Tenn., March 27, 1879.

To the Board of Engineers convened to report upon the claim of the estate of George Williams:

MESSRS.: In compliance with your request I have the honor to submit the following memoranda:

I. Referring to the Kennedy contract, Mr. Williams claims that he engaged in that work "because the engineer in charge had not the plan of the locks completed and was not ready for me [him] to begin work upon them."

The power of attorney under which he begun this work was dated August 11, 1876. In his letter of May 24, 1877 (page 47 of his pamphlet), he says his "skilled laborers and workmen actually commenced work on locks 3 and 4 in June, 1876, and have continued at work ever since with such diligence as the locality and elements would permit." From his own statement, then, he had been at work on the locks some two months when he took up Kennedy's contract. I may add that he did not do this "at the earnest solicitation of the engineer in charge of the work." The first I heard of the proposed power of attorney was by a telegram asking if I would recognize an arrangement.

The pretended damage on account of not having to remove the old tow-path embankment and build unnecessary slope wall has been fully discussed in reports which are, no doubt, familiar to the board.

In this connection, I will read a few letters to and from assistant engineer in charge of the work, to show the manner in which the contractor attempted to carry on this part of the work.

I will also invite the attention to sec. 3477, U. S. Revised Statutes, which requires that, in claims of this nature, a power of attorney must be executed after a claim has been allowed and the amount determined.

II. The claim on lock work is based upon certain statements (form 1 to 7, inclusive) which are in every material item untrue. Taking them in their order (page 4), it may be proved by unquestionable documentary and oral evidence—

1st. That there was a drawing of the proposed locks exhibited to bidders, showing curved work, arches, &c.

2nd. That bidders were not informed that the work would be similar to the locks at Keokuk.

3rd. There was nothing to induce the belief that the walls would have a thickness of from 17 to 20 feet, and Mr. Williams himself told me on two or three occasions that the reason why he bid only $5.00 per thousand for timber foundations was *because he knew they would not be required.*

4th. The character of the work upon these locks has *not*, since his bids were made, been *materially* and *radically* changed in any way that could work to the disadvantage of the contractor.

a. Lock 2 has been arranged so that it can be used for a lift of 6 feet, lock 3 for 12 feet, and lock 4 for 11½ feet; but,

b. The chamber walls of lock 2 are 14 feet high, or are one foot *lower* than they were shown in the original drawing. Lock 3 is 20 feet high, or exactly as shown in the original drawing, and lock 4 is 2 feet *lower*, except the upper bay, which is only six inches lower.

c. Thickness of the chamber walls has been somewhat reduced, but this reduces the quantity of rubble, which was *least profitable* for the contractor, and does not affect the quantity of cut stone.

d. The foundations were not built of *cut stone*, instead of timber filled with concrete, and the latter is distinctly *not* required by contract. The foundation is solid rock, and the so-called foundation of cut stone is nothing but a portion of the side wall of the lock below grade, which was built in part of rubble and part concrete, and the quantity of this masonry below grade was very considerably increased by the contractor himself, in violation of orders, by blasting deeper than was necessary, thus compelling the government to pay for unnecessary excavations and afterwards for masonry to replace it. More than this, had the contractor been compelled to put in timber and concrete, as he pretends he wanted to, it would have cost him at least $40.00 per thousand more than his contract price, or on the three locks he would have lost from $45,000 to $50,000 on this one item.

5th. He was *not* delayed by the engineer in charge in the commencement of the work, as the monthly reports and correspondence will show (see page 47 of pamphlet).

6th. He was *not* hindered and delayed by changes of plan. There is not one scrap of writing on file in this office, nor elsewhere, so far as I have ever heard, to show that any work already done, or even begun, was rendered useless by any change of plan.

No such charge was made, to my knowledge, until near the close of the work, when this claim began to take form. As late as March 19, 1878 (pp. 50 and 52 of his pamphlet), Mr. Williams makes *no allusion* to delay from want of plans, nor to work rendered useless by reason of changes. It was about that time that he first suggested it, nearly *two years later.*

The changes of plan and detail were all made in the interest of the government, but great care was taken to ascertain exactly how they would affect the contractor, as I well knew that advantage would be taken of any pretext for extra compensation. In many cases he was allowed a choice of ways in doing a given piece of work, and many of the changes now complained of were made *at the earnest solicitation of the contractor himself.* In all cases he was allowed the benefit of a doubt, and the specifications were liberally construed. As an illustration of this, it may be mentioned that one item, of allowing the back of the coping and a part of the lower course of facing to be laid with quarry faces, saved from $1,000 to $1,500 to the contractor in the cost of stone-cutting.

He was relieved from the expense of putting iron dowels and clamps in the mitre-sills and coping, which saved him hundreds of dollars.

He was paid tri-monthly instead of on monthly estimates for a whole year, and was paid his retained percentage on No. 3 before it was done, in order to enable him to tide over alleged financial embarassments.

He was allowed a whole year's extension of his contract time in order to enable him to complete his work, notwithstanding the reduction of quantities complained of and notwithstanding the assertion often made that he "could build one of the locks in sixty days." This extension of time not only interfered with other proposed work, but

necessitated the continuance of an engineer party to inspect and measure the work done, which cost the government about $10,000 for the extra time granted.

Several modifications of his contract were made at his suggestion, to enable him to keep the balance of his men and tools advantageously employed, while a small force completed the locks, for which extra work he was paid nearly $10,000; and, finally, after the work was completed the government purchased not only all his tools, railroad engines, &c., but the temporary building, and unused stone, iron, cement, and other materials at a liberal price, based on the value of the property in its present condition and location, and was at least $15,000 more than this property could have been sold for under any other circumstances, as most of it would have greatly depreciated in value if removed.

On the other hand, it has been a source of trouble to prevent the contractor and his employés from evading the plainest requirements of the contract, both on section and lock work. They would neglect ramming the earth; cover up stumps instead of grubbing them out; patch up cut stones which spalls had been broken off; set stones after they had been condemned and cover them up with other masonry, or ship them to another lock where there was a different inspector; put too much sand in the mortar, &c., &c.

As to the value of the work done by the contractor, it may be stated—

a. Taking the actual quantities of excavation, masonry, &c., instead of those on which the contract was awarded, and other parties would have had the contracts for the two larger locks (3 and 4).

b. After beginning his work on these locks the contractor voluntarily took the contract for building lock No. 2 at prices very much lower, viz, $1.00 a yard instead of $2.00 for rock excavation, 25 c. vs. 50 c. for earth, $14 pr. yard vs. $16 for cut stone, &c.

c. Although offered the option of leaving out the mitre-sills, he declined to do so, although they were, next to the hollow quoins, the most expensive parts of cut stone.

d. Other parties, having inspected his work when nearly completed, offered to do similar work very much cheaper (see Table 1, hereto appended).

e. Mr. Williams himself just before this time told me that he would do the new work *lower* than the *lowest bid that might be offered*, but he subsequently said that he would not bid at all, and finally said he would put in a bid *on advice of his counsel*, which he probably did, as it was a high one.

* * * * * * *

Respectfully submitted,

(Signed) W. R. KING,
Capt. of Eng'rs.

No. 12.

IN THE MATTER OF THE CLAIM OF C. L. Williams, administrator of the estate of George Williams, deceased,
against
THE UNITED STATES OF AMERICA.

Before the Board of Engineers, composed of Col. J. N. Macomb, Genl. O. M. Poe, and Capt. L. C. Overman, appointed under the act of Congress entitled "An act for the relief of the legal representatives of George Williams, deceased," approved January 13th, 1879, and acting under Special Orders No. 56 and 60, in session at Keokuk, Iowa, April 1st, 1879.

Statement of claimant.

Now comes C. L. Williams, the duly appointed, qualified, and acting administrator of the estate of George Williams, deceased, late of Keokuk, Iowa, and presents under his oath his claim against the United States of America under the above-named act of Congress.

I.

As stated in the said act of Congress, the claim of this claimant arises out of the work done by the said George Williams in his lifetime and by his legal representative since his death upon the Muscle Shoals Canal, in the Tennessee River, in the State of Alabama. During the lifetime of the said George Williams differences arose between him and the engineers in charge of the work as to the compensation to which he was entitled from the Government of the United States for the work done by him, first, upon certain sections $\binom{5 \& 6}{3 \& 4}$; and, second, upon certain locks (2, 3, & and 4) of the said Muscle Shoals Canal.

An effort was made to adjust these differences before the Chief of Engineers, but owing to the views entertained by the Chief of Engineers and those under him as to the effect of the written contracts between the government and the said Williams, the effort for an adjustment failed, and the said Williams was referred to Congress as the appropriate tribunal to determine what relief should be given to him.

Accordingly the said Williams in his lifetime presented his case to Congress through the appropriate committees, and the result was the passage of the above-named act of Congress. His case was presented to the Senate through the Committee on Military Affairs, by which it was fully considered, and was presented to the House through the Committee on Private Claims, by which it was also fully considered. Both committees were unanimously in favor of the bill, and the bill was unanimously passed by both houses of Congress. Each of the committees *submitted* written reports strongly favoring the bill. The said George Williams departed this life July 17th, 1878, between the time of the first passage of the bill through the Senate and the final passage of the bill through both houses of Congress.

After the bill for the relief of George Williams had been referred to the committees of Congress as above set forth, the said committees *submitted in a written communication to the Hon. the Secretary of War the proposed bill, and called for suck information as could be furnished by that department for the guidance of the committees, which communication was through the Secretary of War submitted to the Chief of Engineers, and in reply to the communication of said committees the Chief of Engineers responded and submitted through the Secretary of War papers and records with an accompanying report pertaining to the claim of said Williams.* And the said George Williams caused to be submitted to said committees his affidavit with accompanying exhibits in a printed pamphlet, a duplicate of which is hereto attached marked Exhibit "A," and made part hereof, that this board may be informed of the history of the claim of said Williams and of the passage of said act of Congress.

An examination of the said printed pamphlet will show, first, the basis upon which the said Williams sought a settlement with the Bureau of Engineers without the intervention of an act of Congress, which was in harmony with, if not strictly upon, the contracts.

And, secondly, the basis upon which he asked relief from Congress after it was found impossible to settle with the Bureau of Engineers, owing to their construction of the contracts, which was a settlement based upon *his actual expenditures for and on account of the work with reasonable compensation for the use of tools and for money advanced.*

The claim of said Williams made to the engineers is set forth in said printed pamphlet, first, as to the section work, in communication to Major W. R. King, dated January 22d, 1877 (star pages 46, 47, 48), and, second, for locks, in communication to Genl. A. A. Humphreys, dated March 19th, 1878 (pages 50, 51, 52, & 53).

And the claim of said Williams for relief from Congress is set forth in said printed pamphlet in his affidavit submitted to the committees of Congress dated May 17th, 1878 (pages 1 to 9 inclusive).

So, after a full hearing by both parties in interest, Congress passed the act under which the board are now acting.

This act of Congress in substance provides that the Secretary of War shall, upon the recommendation of a board of engineers to be by him appointed, make a settlement with the legal representative of Williams upon just and equitable terms upon the basis of an allowance for the actual expenditures by said Williams and his legal representative for and on account of this work, with reasonable compensation for the use of tools and money advanced.

Under this act this board has been appointed and certain instructions, set forth in the order of appointment, have been given for the guidance of the board.

This claimant in making his statement will endeavor as near as may be to submit the information and knowledge in his possession bearing on these instructions in the order they are set forth in the said order of appointment.

II.

And first as to the actual expenditures of the said George Williams and, since his death, of his legal representative mentioned in instruction No. 1.

This claimant states that he was the son of the said George Williams, deceased, and his assistant and clerk and bookkeeper during the past ten years next before his death.

That as such clerk and bookkeeper this claimant had the general superintendence of the disbursements of money used by the said George Williams in his business.

That as such clerk and bookkeeper this claimant at all times aimed to keep and believes he did keep a faithful and true account of the disbursements of money by the said George Williams, deceased, in his business. And during all said time this claimant aimed to keep and believes he did keep a regular and systematic set of books, showing all the business transactions of said George Williams.

That since the death of said George Williams this claimant has continued in the capacity of administrator of his estate to keep said books as they were kept before his death, and for the same purpose, namely, that all of his transactions may be clearly known to those entitled to know them.

This claimant shows that upon the commencement of the work to be done by the said George Williams upon "The Muscle Shoals Canal," in the Tennessee River, this claimant, as the clerk and bookkeeper of the said George Williams, opened a regular account upon the regular books of said George Williams under his direction with "The Tennessee River Works," in order that all disbursements and receipts for and on account of said work might from time to time be clearly shown. And this claimant, from the time of the opening of said account to the present time, has faithfully kept an account of all the disbursements and receipts on account of the said "The Tennessee River Works." That the opening and keeping of the said account with "The Tennessee River Works" was in conformity to the uniform custom of the said George Williams to keep true accounts with the different works upon which he was engaged as contractor.

And in respect to the books of the said George Williams and, since his death, of his legal representative, this claimant says he believes that the business of said George Williams was kept in his books and papers pertaining thereto in a more regular, methodical, and systematic form than is usual with contractors, and in as good shape as the books of the best business men of the West are kept.

During the last ten years next before the death of the said Williams he had large contracts under the Government of the United States for work upon the various "public works" of the country, and, in order to avoid confusion, it was essential that books should be kept upon an approved system. And, besides, the claimant says that the said George Williams had other large business interests, such as interests in a coal company and grain elevator in Iowa that necessitated the keeping of a regular and systematic set of books.

Pursuant to the act of Congress above mentioned and in conformity to the instructions to the Board of Engineers, this claimant has caused to be made under his immediate personal supervision a true itemized statement of the receipts and disbursements of the said George Williams, deceased, and since his death of his legal representative, for and on account of "The Tennessee River Works," which is herewith presented in a book marked Exhibit B and made part hereof.

This claimant states that the actual expenditures of the said George Williams and his legal representative are shown upon the said book in the order of time of their payment on pages from 1 to 25, inclusive, and the receipts are shown on pages from 26 to 28, inclusive. And certain items included in the expenditures from 1 to 25 are set out in greater detail in said book on pages from 40 to 66, inclusive.

The said book, in the columns as indicated in their respective headings, shows the time of payment, the person to whom paid or for what paid, and, when paid by check, the number of the check, and when a voucher, the number of it, and, also, references to the other books of the said Williams or his legal representative.

This account has been taken under the immediate personal supervision of this claimant from the books of the said George Williams, after a careful comparison of the vouchers, pay-lists, check-books, drafts, papers, and books of original entry, and other books of the said George Williams, and since it has been made up, has again been carefully compared and verified by this claimant and his assistants, and he does not hesitate to say that the same is correct and that all of the expenditures have been made as set forth in said book for the purposes therein mentioned. In the list of expenditures there may be an occasional "cross-entry" which does not represent an actual payment, but in every such instance there is a corresponding "cross-entry" in the list of receipts which balances exactly the charge.

This claimant states that he personally disbursed much the larger portion of the money so expended and superintended substantially all the disbursements of said money, and all of said disbursements not made personally by him or under his immediate personal supervision were at the time when made reported to him and he kept an account of the same, and he has no doubt the payments were made as charged in the account, and for the money not disbursed by this claimant or under his immediate personal supervision, nearly, if not quite all of it, was disbursed by C. S. Whitney, the agent of the said George Williams or his legal representative in immediate charge of the work, and regularly reported to this claimant and regularly charged at the time.

And for any money not thus personally disbursed by this claimant or said Whitney, there are vouchers or receipts from the persons receiving the same, as there is for most if not quite all of the money so expended.

In the list of expenditures there is no charge made for the services of this claimant as clerk and bookkeeper of said George Williams, although his services in connection with said work were of great value, at least that of an assistant manager during about three years' time, which was paid for by said George Williams, but as this claimant was during that time also performing services for said George Williams in other

matters pertaining to his other business, and there was no charge made in the books at the time for services of this claimant to the said "Tennessee River Works," no claim, therefore, is included in said account, nor is there any claim included in said account for the services of the said George Williams, who during his lifetime gave to said work a general supervision and much personal attention, which services were necessarily of great value, rendered as they were by a man of great experience and capacity as a contractor, and of great energy and untiring industry.

Only the actual expenses of the said George Williams and of this claimant while engaged for said "The Tennessee River Works" are included in said account. This claimant invites the most careful inquiry and critical scrutiny of this board into said account, and offers for the inspection of the board all the papers, pay-lists, vouchers, drafts, check-books, and books of original entry or other books of the said George Williams bearing on the items of said account to be examined, if the board so desire, at such time and place as may be fixed by the board.

This claimant reaffirms his former statement that the account in said book "4, B" is correct, and that the amounts therein stated were all paid as therein stated, for the purposes therein stated. Should it be that any item or items therein stated, in the opinion of the board, are not "actual expenditures" within the meaning of the said act of Congress, and the said instructions, or if any such item or items in the opinion of the board should be considered separately, this claimant offers to draw off such item or items on a separate exhibit, with such further explanations as may be necessary, in writing or orally, whenever so requested by the board, in such manner as the board may designate.

And this claimant only asks that in the event that the board should be in doubt or of an opinion adverse to any of the item or items of said account being "actual expenditures" within the meaning of said act of Congress and the instructions to the board, that he may have an opportunity to be heard on such item or items, if he shall so desire, before a final decision with reference thereto is made by the board.

The said book Exhibit B shows the amount of "actual expenditures," and the amount of "receipts," leaving balance of "actual expenditures."

III.

As to the character and quality of the work mentioned in instruction No. 2.

As the instructions to the board and the act of Congress clearly contemplate that the board shall make a personal examination of the work, and as the board have gone upon the work and examined the same, this claimant has nothing to submit under this head further than to say that the work is of first-class quality and of the best character, and the highest evidence of this is *that it has been accepted* by the officers of the government in charge of the work.

IV.

As to whether the expenditures in the prosecution of said work were reasonable and proper, as mentioned in instruction No. 3.

This claimant submits that the presumption of law and fact is that the "actual expenditures" were reasonable and proper, for the strong motive of self-interest would prevent an experienced contractor like George Williams spending anything unnecessarily, and there is no motive that could be attributed to him to make unnecessary or improper expenditure. And this claimant further says that he has had large experience in the matter of contracts for "public works" in the capacity of assistant to George Williams during the last ten years. During that period the said George Williams had many contracts under the Government of the United States, and this claimant from his knowledge derived from this experience in connection with "public works" knows the general nature and value of all expenditures required in connection therewith.

And this claimant knows, from his connection with "The Tennessee River Works" in controversy, the general nature and character of all the expenditures set forth in the said account, Exhibit "B," and that the said expenditures were reasonable and proper for the purposes for which they were made. And that the prices paid for labor, materials, supplies, and expenses set forth in said account are reasonable and just, and such as prudent and economical contractors would have been required to pay out under similar circumstances in performing the work done by the said Williams and his legal representative.

This claimant deems it unnecessary, in view of the fact that the board have been personally along the line of the canal, to say much of the country through which it passes and adjacent to it.

It is thought sufficient in this connection to call attention to the "isolated situation" of the canal and its remoteness from the usual routes of transportation by river and

railroad. It is cut off several miles from the railroad and from the navigable portion of the river, *thus increasing largely the cost of the transportation of tools, supplies, material and men to the work.* It lies along a wild, broken, almost unpopulated section of the country. Laborers can only be procured with difficulty, on account of the heated terms and sickly and rainy seasons.

The board saw the canal after its partial reconstruction, and after the said George Williams and his legal representative had completed the portion of the work in controversy, and when the outfit used by the said Williams was along the line of the canal, yet they can readily imagine the condition of things at the time of the commencement of the work, when the country lay in almost a state of nature, the old canal covered by the growth and deposit of forty years. *In determining what are reasonable and proper expenditures, regard must be had to the place where the work was done and all of its surroundings and attendant difficulties.*

Since the completion of the work of said Williams the Government of the United States has concluded to do portions of the remainder of the work on the canal, and have purchased of the estate of the said Williams the outfit of said Williams remaining after the completion of the said work, in order that the work to be done by the government may be done *in the most satisfactory and economical manner*, and from this fact the irresistible inference must be drawn that the outfit and appliances of the said Williams were reasonable and proper and well adapted to the work for which they were intended.

And this claimant confidently submits that "the actual expenditures" of the said Williams and his legal representative were reasonable and proper.

V.

As to the 4th instruction, what would be a reasonable compensation for the use of tools and for money advanced in the prosecution of this work.

And first as to tools.

These tools may be divided into two classes:

First. Those tools charged as part of the actual expenditures in Exhibit B.

Second. Those tools taken from Keokuk upon the work and not charged in Exhibit B.

As to the first class, this claimant submits that they were purchased during the progress of the work and used in the prosecution of the work and are charged among the actual expenditures, Exhibit B.

As the remaining tools charged in Exhibit B have been sold by this claimant to the United States since the completion of said work for the sum of $15,193.31, the said sum is credited to the United States in the receipts in Exhibit B. In this way this claimant is reimbursed for the cost of said tools, without, however, receiving any compensation for their use.

As to the second class, namely, those tools taken from Keokuk and used in the prosecution of this work, they are set out in Exhibit C, hereto attached, and made part hereof.

The reasonable and just value of said tools, as this claimant knows, at the time they were taken from Keokuk upon said work was about $60,000.

For the use of these tools during the progress of this work, a period of about 28 months, a reasonable compensation is asked, as contemplated by the said act of Congress and the instructions to the board.

The Government of the United States has heretofore rented and paid for the use of some of the identical tools so taken from Keokuk, through Major Amos Stickney, engineer in charge of the canal in the Mississippi River, near Keokuk, known as "The Des Moines Rapids Canal," at the following rates during portions of the years 1875 and 1876, viz:

Locomotives	$450 00	each	per	month.	
Cars	6 25	"	"	"	
Railroad iron	45 00	"	"	"	per 100 tons.
One engine & 2 pumps	150 00	"	"	"	

These prices should serve as a guide in determining the value of these tools, and the only time these tools were rented was to the United States as above stated.

After 28 months' service in this work, and the necessary wear and tear resulting from a constant service in said work, the remainder of the tools taken from Keokuk were sold to the United States by this claimant for the sum of $16,382.94.

This claimant submits that the difference between what these tools were worth when taken upon the work and the amount for which they were sold shows what would be necessary to reimburse this claimant for the tools, and to this should be added a reasonable compensation for their use, based upon their value when they went into the service of this work.

In determining their rental value this claimant submits that this board should con-

sider the rent heretofore paid by the government for the use of these tools, and also the value of the tools *when they began the work* and *after the work was completed.*

The character of the tools, as well as the character of the work they were required to do, necessarily made the "wear and tear," the "loss and destruction," very great.

The best possible care was taken of these tools, yet inevitably greatly diminished values resulted from their constant service for 28 months in this work.

Two modes suggest themselves to this claimant, either of which would be proper in arriving at what should be allowed for the use of tools:

1st. An allowance for rent analogous to the prices paid by Major Stickney, as above shown.

2nd. A reasonable rental based on the value of the tools when they went into the service of the work, to which should be added the diminished value of the tools resulting from their service in the work.

As to the compensation for money advanced, this claimant submits:

As an inevitable consequence of the inadequate proportion which the estimates of the engineers in charge of the work bore to the actual outlay required on the part of the said Williams, the said Williams was required to borrow money to prosecute said work, and for this borrowed money interest was necessarily required to be paid.

In Exhibit B, there are set out as actual expenditures in prosecuting said work $10,931.26, representing interest actually paid for money actually used in the prosecution of this work. In this amount nothing is represented except money actually paid out for interest.

In Exhibit B there is no interest charged except what was actually paid out. The rate of interest paid was the usual and customary rate, and nothing more than was absolutely necessary for a borrower in good standing to pay for advances of a like character. This interest, so paid, is part of "the actual expenditures" within the meaning of said act of Congress.

But this borrowed money does not represent all or nearly all of the money advanced by the said Williams or his legal representative in the prosecution of said work.

A glance at Exhibit B will show that in addition there was a large amount of money advanced by said Williams, or his legal representative for which he is entitled to compensation under the provisions of said act of Congress, and the board are asked to allow such reasonable compensation, such sum as the facts may warrant and the judgment of the board shall approve.

VI.

In conclusion this claimant submits—

Usually, the United States, like natural persons, having work done, pays for such work such prices as allow the contractor a reasonable price, which comes in the shape of profits more than compensation for money advanced and use of tools, allowing a margin for the skill and labor and time employed on the part of the contractor.

That it is proper to pay such profits, the universal experience of mankind attests.

In this case, however, the Congress of the United States having determined *that an adherence to the contracts would be an act of injustice on the part of the government, and would bring ruin and disaster to the contractor*, an act has been passed entitled "An act of relief," by the letter and spirit of which prices are not allowed which would cover usual and customary profits, but a substantial reimbursement of the contractor is provided for, allowing him his actual expenditures with reasonable compensation for money advanced and tools used in the prosecution of the work.

In ascertaining what should be allowed in this case, this claimant is advised and believes that the board should proceed to state the account between him and the United States, first ascertaining the actual expenditures and then the compensation for money advanced and for the use of tools, and after deducting the receipts recommend the payment of the balance, and interest on the same.

This claimant now, and at all times hereafter, holds himself in readiness to furnish such information or assistance as may intelligibly assist the board in discharging the important duties imposed upon them by the act of Congress, and the instructions under which they are acting.

Respectfully submitted.

C. L. WILLIAMS,
Administrator of the estate of George Williams, deceased.

THE STATE OF IOWA,
The County of Lee:

I, C. L. Williams, the claimant above named, state that I have read the foregoing statement, and the facts therein stated are true, as I verily believe.

C. L. WILLIAMS.

Subscribed and sworn to this 5th day of April, 1879, before me.

[SEAL.]

WILLIAM H. CARTER,
Notary Public.

No. 13.

EXHIBIT A.

In the matter of Senate bill 1244.

IN THE SENATE OF THE UNITED STATES, MAY 14, 1878.

Mr. Morgan asked and, by unanimous consent, obtained leave to bring in the following bill; which was read twice and referred to the Committee on Military Affairs:

For the relief of George Williams.

I.

THE UNITED STATES OF AMERICA,
District of Columbia, sct:

I, George Williams, on my solemn oath, make the following statement in support of the bill above referred to for my relief:

I reside in the city of Keokuk, in the county of Lee, in the State of Iowa, and have resided there since 1861. I am a practical contractor. From the year 1848 to 1868 I was engaged in the construction and management of railways.

Since 1868 I have been engaged in doing work for the United States Government, under contracts for the improvement of the navigable waters of the country. I have done work in the improvement of the Mississippi River, at or near Rock Island, Ills., and Dubuque and Keokuk, Iowa, and at or near St. Genevieve and Cape Girardeau, Mo., below the city of St. Louis, and have done work upon the Illinois River near Beardstown.

I built a large portion of the locks and canal around the Des Moines Rapids in the Mississippi River at or near Keokuk, Iowa.

The last work done by me was in building the locks and canal around the Big Muscle Shoals, in the Tennessee River, between Florence and Decatur, Alabama, which work is just about being completed.

My claim for relief arises out of this work, and is for certain section work and for building certain locks.

In connection with my statement I make part hereof the copies of the following contracts, which have been furnished the committee by the Secretary of War, and ask that they be marked respectively A, B, and C, to wit:

1st. Contract entered into December 13th, 1875, between Matthew G. Kennedy of the one part and Major Walter McFarland of the other part, for work on sections 3, 4, 5, and 6, of the canal around Big Muscle Shoals in the Tennessee River.

2d. Contract entered into March 31st, 1876, between Major Walter McFarland, Corps of Engineers, of the one part and George Williams of the other part, for the construction of locks numbers 3 and 4 of the Muscle Shoals Canal.

3d. Contract entered into October 14th, 1876, between Captain W. R. King, Corps of Engineers, of the one part and George Williams of the other part, for the construction of lock No. 2 of the Muscle Shoals Canal.

Concerning the section work, I make the following statement:

Mr. Matthew G. Kennedy entered into the contract, as above stated, December 13th, 1875.

He prosecuted the section work under that contract until about May 1st, 1876.

At this time I had entered into the contract for building locks 2 and 3, and had caused all of my tools and implements, of the value of from $80,000 to $100,000, to be transported from Keokuk, Iowa, to the line of said canal, to commence the work on said locks.

Mr. Kennedy, at the time I reached the work with my tools, was about failing in his contract, and at the suggestion of Major Long, the engineer in charge of the work, and with the consent of said Kennedy, I consented to carry forward said work under power of attorney from Mr. Kennedy; this power of attorney was approved by the Chief of Engineers, Secretary of War, and Comptroller of the Currency. A true copy of the same, with endorsements thereto, is hereto attached, and marked Exhibit A, 2. I did this because the engineer in charge had not the plans of the locks completed, and was not ready for me to begin work upon them.

Having my tools upon the ground, and having engaged men to do the work on the locks, at the earnest solicitation of the engineer in charge and Mr. Kennedy I undertook to do the section work under said power of attorney while I was waiting for the plans of the locks and the location of same to be settled and determined by the engineer in charge.

My grounds for relief as to this section work are fully set forth in a communication

I made to Major King, the engineer in charge of the work, in the name of Mr. Kennedy, dated January 22d, 1877.

This communication is true, and I make a true copy thereof part hereof, and mark it exhibit "D."

The result of the change, as stated in said communication, was that the section work, although done in the most careful and economical manner, cost a large sum in excess of the amounts estimated at the contract prices.

And the reason of this is perfectly apparent. The contract prices were fixed upon the representation of the engineer in charge, and the belief of the contractor that the work to be done included the excavation of the old tow-path, from which the earth material could be obtained in abundance.

The earth excavation alone, in section 3 and 4, was to approximate 180,000 cubic yards, nearly all of which was to come from the old tow-path. The change, however, prevented me from excavating or utilizing the old tow-path.

The bids were made with reference to the geography of the work.

Instead of being permitted to excavate or utilize the old tow-path, I was compelled to get the earth material from the bottom of the canal or burrow it from the outside, and in many instances I had to haul this material a mile or more.

Now, while I do not make a claim for profits lost by reason of not being permitted to remove the earth in the old tow-path, yet I submit that, in view of the facts above stated, I am entitled to a fair and reasonable compensation for the work I actually did, unrestricted by the contract price.

If I am allowed the reasonable compensation for this section work to which I am entitled, the cost of this section work to the government will fall far below the estimated cost thereof at the time the contract was made.

II.

My claim for relief for the building of the locks is based upon the following facts:

1st. At the time I made my bids for these locks no plans had been drawn, and the only guide I had was the specifications and the representations of the engineer in charge.

2d. In making my bids I relied upon the specifications and the representations of the engineer in charge that the locks were to be *similar* to the middle or *lower* lock in the Des Moines Rapids Canal in the Mississippi River at Keokuk, Iowa.

3d. By these specifications and representations, I was induced to believe that the locks would be of the dimensions mentioned in the specifications, and that the thickness of the walls of the locks would be of an average thickness of from 17 to 20 feet, and the foundation would be of timber filled with concrete.

4th. The character of the work upon these locks has, since my bids were made, been *materially* and *radically* changed in this—

a Lock 2 has been changed from a 5 feet lift to a 6 feet lift, and lock 3 from a 10 feet lift to a 12 feet lift, and lock 4 from a 10 feet lift to a 11½ feet lift.

b The chamber walls of lock 2 have been changed from a height of 13 feet, as by the original specifications, to a height of 14 feet. The thickness of the chamber walls of this lock has been reduced more than one-half.

c The chamber walls of locks 3 and 4 have been changed from a height of about thirteeen feet (as per specifications, page 1) to a height of twenty-one to twenty-three feet, and the thickness of the chamber walls of these locks has been reduced fully one-half.

d The foundation has been built of *cut stone* masonry instead of timber, filled with concrete, as required by contract.

5th. I was delayed by the engineer in charge in the commencement of the work.

I was ready to begin the work in May, 1876, as required by the contract, but had no plan furnished me until September, 1876. I attach hereto, marked Plan No. 1, and make part hereof, a true copy of the first plan furnished me.

This plan relates to locks Nos. 3 and 4, and provides for ten feet lift in each, and the thickness of the chamber walls then provided for, as shown by the plan, was about seventeen to twenty-four feet, and the height of the chamber walls then provided for was about twenty feet.

6th. I was hindered and delayed by changes in the plan of the locks while the work was in progress. In April, 1877, a second plan for lock 4 was delivered to me by the engineer in charge, a true copy of which plan I hereto attach, marked Plan No. 2, and make part hereof.

This plan contemplates a lock of ten feet lift, with the chamber walls largely reduced in thickness and increased in height from the original specifications and first plan. Some time afterwards I was furnished by the engineer in charge with a plan for lock No. 2, a true copy of which I hereto attach, marked Plan No. 4, and make part hereof.

Between the time the first plan was furnished me, as above stated, and the time I

received the second and third plans, I had prepared a large amount of stone to do the work in accordance with the first plan on locks 3 and 4, and had a large force of men on the work, and had *no notice* there was to be a change in the first plan until I received the second and third plans. The change was so great, that a large amount of stone which had been prepared by me in conformity to the first plan, and which was to have been used in the breast wall and mitre sills and various other places on these locks, were rendered unfit by the change to be used for these locks wi hout re-cutting them, and I had to throw them entirely away or re-cut them.

By this unexpected and radical change in the scope and character of this work, I was delayed in the work and greatly damaged.

All the work that I did was done under the direction and supervision of the engineers in charge, yet I am denied all compensation for this work, done by their direction, and which was rendered useless by their own acts.

When I ascertained that the changes in the work were to be made, I immediately made application, so far as locks 3 and 4 were concerned, to the engineers in charge for additional compensation for my work. I make my communication to Major King, dated May 24th, 1877, and exhibit hereto, attaching hereto a copy of same, which has been furnished the committee by the Secretary of War, and marking same Exhibit E.

And I also make part hereof my two communications to Gen. A. A. Humphreys, Chief of Engineers, referring to my claims for the locks, dated March 16th and 19th, 1878, and mark them respectively Exhibits F and G.

In these communications I have correctly stated the facts, and I ask their careful consideration. After I had been furnished Plan No. 3 for lock No. 4, there were still further changes made in this lock, increasing the height of the wall from the upper end of the lock chamber to the upper end of the wing walls one foot and six inches.

7th. My bids for the three locks are set forth in itemized form in Exhibits H, I, and K, hereto attached and made part hereof.

They were in the aggregate as follows:

Lock 2	$60,130
" 3	103,645
" 4	103,645
Total	$267,420

These were the figures made by the engineer in charge at the time of the awarding of the contracts. These do not include anything for extra compensation for arched or curved work, or cut-stone foundation, or increase of height of walls of chambers of the locks.

The amounts bid, and the other items not included in the bids, such as extra compensation for curved and arched work and cut-stone foundation, &c., would have made the work cost, on the basis of the original designs and specifications, more than $350,000.

Now, under the changes which have been made, as hereinbefore set out, I have built these locks larger, increasing the lift of each of them, giving to each higher chamber walls and cut-stone foundation, yet the work so done by me, as estimated by the engineer in charge, under his erroneous rulings allows me only about $190,000, which is $77,420 less than the original bids, and $160,000 less than the work would have cost, after adding that part not included in the bids, and which would have necessarily have had to have been done had the work been carried out according to the original design.

In other words, I have built more costly locks than I agreed to build, and am to be paid vastly less than was agreed to be paid me for less expensive locks.

In making my bids, I made them for each lock separately, but of course my bids were determined by the relative quantities of "cut-stone masonry and rubble masonry" in the lock for which I bid. When a radical change was made in the character of the work, the relative quantities were radically changed, and the loss is to fall on me, and the government is to get the benefit of contract prices based on a *different* work than that upon which I bid.

The manifest injustice of the view taken by the engineer in charge of the work is apparent when the fact is considered that the amount of $190,000 to be allowed me for this work, according to his rulings, is not only at least $80,000 less than the work would cost when built in the most economical manner, but it is at least fifty per cent. less than any similar locks have ever been built in this country, of which we have any record, and less than the cost of a single lock of less lift at Keokuk, Iowa.

The engineer in charge of the work bases his right to have made the changes in the contracts upon the letter of the contracts.

I can safely say, in reference to the lock work as I said in reference to the section work, that while there is a provision in the contract which provides that I shall be allowed nothing for the loss of prospective profits, resulting from a diminution of the quantities of the work, yet there is nothing in the contract which should, in reason

or justice, prevent me from being paid the reasonable value of the work, unrestricted by the contract prices if I have done work, as I claim, radically different from the work I contracted to do.

In the bill framed for my relief I ask nothing but fair and equitable compensation for the work done by me. I have done it to the satisfaction of the government. I have done it economically. I can show fully and satisfactorily every item of the cost of the work.

GEORGE WILLIAMS.

DISTRICT OF COLUMBIA,
County of Washington:

Personally appeared the within named George Williams, on this the 17th day of May, 1878, and made oath to the truth of the within writing by him signed before me.

JOHN BAILEY,
Justice of the Peace.

EXHIBITS.

EXHIBIT A.

Articles of agreement entered into Dec. 13, 1875, *between Major Walter McFarland of the one part, and Matthew G. Kennedy of the other part, for work on the third, fourth, fifth, and sixth sections of the canal around Big Muscle Shoals, in the Tennessee River.*

Articles of agreement entered into this thirteenth day of December, eighteen hundred and seventy-five (1875), between Major Walter McFarland, Corps of Engineers, U. S. Army, for and in behalf of the United States, of the first part, and Matthew G. Kennedy, of Hanceville, in the county of Blount, State of Alabama, of the second part.

This agreement witnesseth that the said parties have mutually agreed, and by these presents do mutually covenant and agree, to and with each other in the manner following, namely: That the said Matthew G. Kennedy shall, in conformity with the advertisement and specifications hereunto attached, and which form a part of this contract, do the work of repair and improvement in the third, fourth, fifth, and sixth sections of the canal around Big Muscle Shoals in the Tennessee River, at the following rates, namely: Clearing and grubbing, at the rate of thirty-five dollars ($35) per acre; earth excavation, at the rate of fourteen (14) cents per cubic yard; construction of slope wall, at the rate of one dollar and seventy-five cents ($1.75) per cubic yard; earth embankment at the rate of twelve (12) cents per yard in the third and fourth sections, and thirteen (13) cents per cubic yard in the fifth and sixth sections; rock excavation at the rate of one dollar and ten cents ($1.10) per cubic yard in the third and fourth sections; and ninety-five (95) cents in the fifth and sixth sections.

That all materials furnished and work done under this contract shall, before being accepted, be subject to a rigid inspection by an inspector appointed on the part of the government, and such as shall not conform to the specifications set forth in this contract shall be rejected. The decision of the engineer officer in charge as to quality and quantity shall be final.

That the said Matthew G. Kennedy shall commence work under this contract on or before the twentieth day of December, eighteen hundred and seventy-five, (1875,) and shall complete the same on or before the thirty-first day of May, eighteen hundred and seventy-six (1876).

That payment shall be made when the work contracted for shall have been delivered and accepted, reserving ten (10) per centum from each payment until the whole work shall have been so delivered and accepted.

And it is also agreed that if, in any event, the party of the second part shall delay or fail to commence with the delivery of the material or the peformance of the work at the day specified herein, or shall, in the judgment of the engineer in charge, fail to prosecute faithfully and diligently the work in accordance with the specifications and requirements of this contract, then, in either case, the party of the first part, or his successor legally appointed, shall have the power, with the sanction of the Chief of Engineers, to annul this contract by giving notice in writing to that effect to the party (or parties, or either of them) of the second part; and upon the giving of such notice, all money or reserved percentage due or to become due to the party or parties of the second part by reason of this contract shall be and become forfeited to the United States; and the party of the first part shall be thereupon authorized, if an immediate performance of the work or the delivery of the materials be, in his opinion, required by the public exigency, to proceed to provide for the same by open purchase

or contract, as prescribed in section 3709 of the Revised Statutes of the United States: Provided, however, that if the party (or parties) of the second part shall by freshets, ice, or other force or violence of the elements, and by no fault of his or their own, be prevented either from commencing or completing the work, or delivering the materials at the time agreed upon in this contract, such additional time may, in writing, be allowed him or them for such commencement or completion as, in the judgment of the party of the first part, or his successor, shall be just and reasonable; but such allowance and extension shall in no manner affect the rights or obligations of the parties under this contract, but the same shall subsist, take effect, and be enforcible precisely as if the new date for such commencement or completion had been the date originally herein agreed upon.

And it is further expressly understood and agreed that no claim whatever shall at any time be made upon the United States by the party or parties of the second part for or on account of any extra work or material performed or furnished, or alleged to have been performed or furnished, under or by virtue of this contract, and not expressly, bargained for and specifically included therein, unless such extra work or materials shall have been expressly required in writing by the party of the first part or his successor, the prices and quantities thereof having been first agreed upon by the contracting parties, and approved by the Chief of Engineers.

And it is also further agreed by the parties of the second part, as required by the 14th section of the act of Congress approved July 17, 1862, that neither this contract nor any interest therein shall be transferred to any other party or parties, and that any such transfer shall cause the annulment of the contract as far as the United States are concerned.

Tennessee River, Improvement, Muscle Shoals Canal.

U. S. ENGINEER OFFICE,
Chattanooga, Tenn., September 28th, 1875.

Sealed proposals, in duplicate, will be received at this office until noon on Monday, November fifteenth (15), 1875, for the excavation of earth, rock, etc., in the construction of the canal around Muscle Shoals, in the Tennessee River, between Florence and Dacatur, Alabama.

Specifications and forms for proposals will be furnished on application to this office.

WALTER McFARLAND,
Major of Engineers.

SPECIFICATIONS.

The work to be done under this advertisement is limited to the repair and enlargement of the upper half of the old canal built around Big Muscle Shoals in the Tennessee River, forty years ago. The canal is now in a ruined condition; the tow-path embankment being broken in many places, the dams and lock-gates carried away, the canal trunk partly filled with earth and sand, and both bed and banks covered with a heavy growth of timber and brush.

The work to be done consists of clearing and grubbing, the removal of the material that has washed into the canal, the repair, heightening, and strengthening of the embankment, and the widening and deepening of the canal trunk.

The material to be removed is EARTH, often mixed with sand, gravel, and loose stone, but to be designated as earth in the bids; and ROCK, consisting of limestone mixed with flint. The thickness of rock to be removed varies from four (4) feet to a few inches.

The material has in no case to be raised over twelve (12) feet, or to be moved in general over one hundred (100) feet, the extreme width for the proposed canal. The greater part of it will be carried over the canal embankment and deposited on the outside. A part of it will be used to heighten the embankment about two feet.

The breaks in the embankment will be repaired by removing from the sides and bottoms of the breaks all vegetable mould and growths of all kinds, and filling the opening thus prepared with material similar to that composing the rest of the embankment, placed in layers twelve (12) inches in thickness, and well rammed.

The embankment is to be raised and strengthened where necessary, in a similar way, and the outer and inner slopes are to be shaped as required.

The outer slope of the embankment is to be protected where required by a dry stone apron or slope wall, the stone to have beds not less than twelve or eighteen inches square, and to be carefully laid by hand.

The work is divided into seven sections, as follows:

SECTION 1. Extends from First Creek to Second Creek, a distance of about one mile and a half.

SECTION 2. Extends from Second Creek half way to Bluewater Creek; length, about one mile.

SECTION 3. Extends from the lower end of section 2 to Bluewater Creek; length, about one mile.

SECTION 4. Extends from Bluewater Creek, near station 1,140, to station 1,190, about one mile.

SECTION 5. Extends from station 1,190 to station 1,240, about one mile.

SECTION 6. Extends from station 1,240 to station 1,290, about one mile.

SECTION 7. Extends from station 1,290 to station 1,340, about one mile, its lower end being a little more than one mile above Four Mile Creek.

Approximate quantities.

Section.	Excavation.	
	Earth.	Rock.
	Cubic yards.	*Cubic yards.*
1	60, 000	30, 000
2	60, 000	2, 000
3	100, 000	.....
4	80, 000	6, 000
5	90, 000	5, 000
6	80, 000	2, 000
7	80, 000	3, 000
Totals	550, 000	48, 000

Grubbing and clearing.—About twelve acres per lineal mile.

Embanking.—About thirty-five hundred cubic yards per lineal mile.

These quantities are given as approximations only; and it is to be clearly understood that if they shall at any time be reduced, by reason of any change which the government may decide to make in the proposed dimensions of the canal, such reduction is not to be assumed as the basis of the claim against the government for damages or loss of prospective profits on the part of the contractor.

The line of the canal is intersected by various small creeks, against whose overflow it may become necessary for the contractor to protect his work by throwing temporary dams across the canal. These dams would be from seventy to one hundred feet in length, and their cost, as well as the cost of any other temporary protections which his work may require, must be borne by the contractor himself.

Bidders will bid for one or more sections as they may choose, but separate bids will be made for each section.

Each bid must cover all the work to be done in the section to which it relates, and must give the proposed price of, first, grubbing and clearing, per acre; second, earth excavation, per cubic yard; third, earth embankment, per cubic yard; fourth, rock excavation, per cubic yard; fifth, slope wall, per cubic yard.

Special attention is called to the printed instructions to bidders to be found on the second sheet of the form of proposals.

Work must be begun, under the contracts to be formed, by the first of December, 1875, and must be finished by the thirty-first of May, 1876.

Bidders are advised to examine the work in person before offering their bids. An engineer is stationed at Florence, Alabama, who will accompany them to and over the work when desired, and will furnish such additional information as may be required.

WALTER McFARLAND,
Major of Engineers.

No member of Congress, officer or agent of the government, or any person employed in the public service, shall be admitted to any share herein, or any benefit which may arise herefrom.

In witness whereof the undersigned have hereunto placed their hands and seals the day and date above written.

(Executed in quintuplicate.)

Witnesses: PAUL LE HARDY. WALTER McFARLAND, [L. S.]
Major of Engineers.

PAUL LE HARDY. MATTHEW G. KENNEDY. [L. S.]

I do solemnly swear that the copy of contract hereto annexed is an exact copy of a contract made by me personally with Matthew G. Kennedy; that I made the same fairly, without any benefit or advantage corruptly to the said Matthew G. Kennedy

or any other person; and that the papers accompanying include all those relating to the said contract as required by statute in such case made and provided.

WALTER McFARLAND,
Major of Engineers.

Subscribed and sworn to before me this 12th day of January, 1876.

EXHIBIT A 2.

Power of attorney.—Matthew G. Kennedy to George Williams, dated August 11, 1876.

SECOND COMPTROLLER'S OFFICE, *August* 15, 1876.

The within power of attorney is, in my opinion, "sufficiently formal, and will warrant the payment to the attorney of moneys to become due for work performed under the contract."

(S'g'd) C. C. CARPENTER,
Comptroller.

Know all men by these presents that I, Matthew G. Kennedy, of Hauncoville, Blount County, Alabama, do hereby constitute and appoint George Williams, of Keokuk, Lee County, Iowa, my true and lawful attorney, in my name, place, and stead to receive and receipt for any and all moneys due and to become due to me under the contract made between myself and Major Walter McFarland, of the United States Engineers, for work on sections three (3), four (4), five (5), and (6) six, on the canal around "Big Muscle Shoals," in the Tennessee River, dated the thirteenth (13) day of December, eighteen hundred and seventy-five (1875), hereby authorizing my said attorney to sign and execute any receipts, vouchers, and papers, and do all other acts and things that may be necessary and proper in the premises, in my name and behalf, the same as if I were personally present and did the same.

And in consideration of moneys advanced and to be advanced to complete my said contract, I make this power irrevocable.

In witness whereof I have hereunto signed my name and affixed my seal this the 11th day of August, 1876.

MATTHEW G. KENNEDY.

Witness.
T. G. LAMBERTH:
T. M. GREEN.

THE STATE OF ALABAMA,
Lauderdale County:

I, William B. Taylor, a notary public in and for the State and county aforesaid, hereby certify that Matthew G. Kennedy, whose name is signed to the foregoing power of attorney, and who is personally known to me to be the identical person who executed the same, this day personally appeared before me, and, being informed of the contents of the said instrument, acknowledged the same to be his voluntary act and deed.

Given under my hand and official seal this the 11th day of August, A. D. 1876.

WM. B. TAYLOR,
Notary Public.

STATE OF ALABAMA,
Lauderdale County:

I, James Jackson, judge of the probate court for said State and county, which court is a court of record, hereby certify that Wm. B. Taylor is a notary public for this county, duly commissioned, and his acts are entitled to full faith and credit.

Given under my hand and seal of office, at Florence, this 11th day of August, A. D. 1876.

JAMES JACKSON,
Probate Judge.

[EXHIBIT B.]

Articles of agreement entered into March 31st, 1876, between Major Walter McFarland, Corps of Engineers, of the one part, and George Williams, of Keokuk, Iowa, of the other part, for the construction of locks numbers three (3) and four (4) of the Muscle Shoals Canal.

Articles of agreement entered into this thirty-first day of March, eighteen hundred and seventy-six (1876), between Major Walter McFarland, Corps of Engineers U. S. Army, for and in behalf of the United States, on the first part, and George Williams, of Keokuk, in the county of Lee, State of Iowa, of the second part.

This agreement witnesseth that the said parties have mutually agreed, and by these presents do mutually covenant and agree, to and with each other, in the manner following, namely: That the said George Williams shall, in conformity with the advertisement and specification hereunto attached, and which form a part of this contract, furnish the material and do the work required in the construction of the locks of the Muscle Shoals Canal, designated in the addendum to the specifications as numbers three (3) and four (4), at the following rates, viz:

1. *Earth Excavation*—Fifty (50) cents per cubic yard.
2. *Rock Excavation*—Two dollars ($2.00) per cubic yard.
3. *Cut Stone Masonry*—Sixteen dollars ($16.00) per cubic yard, set.
4. *Rubble Masonry*—Seven dollars ($7.00) per cubic yard, laid.
5. *Concrete*—Seven dollars ($7.00) per cubic yard, laid.
6. *Timber*—Five dollars ($5.00) per thousand feet, board measure, laid.
7. *Wrought Iron*—Six (6) cents per pound, in place.
8. *Cast Iron*—Five (5) cents per pound, in place.
9. *Removal of Masonry of all locks*—One dollar ($1.00) per cubic yard.

And it is further agreed that the stone of the old locks, which are to be taken down, is to be used as far as practicable in the construction of the new locks, and for all stone so used the party of the second part shall pay as follows:

10. *Stone used as Facing*—Two dollars ($2.00) per cubic yard.
11. *Stone used as Backing*—One dollar ($1.00) per cubic yard.

These amounts to be deducted from the amounts of his estimates.

That all materials furnished and work done under this contract shall, before being accepted, be subject to a rigid inspection by an inspector appointed on the part of the government, and such as does not conform to the specifications set forth in this contract shall be rejected. The decision of the engineer officer in charge as to quality and quantity shall be final.

That the said George Williams shall commence work under this contract on or before the first day of May, eighteen hundred and seventy-six (1876), and shall complete the entire work contracted for on or before the thirtieth day of June, eighteen hundred and seventy-seven (1877).

That payment shall be made when the work contracted for shall have been delivered and accepted, reserving ten (10) per centum from each payment until the whole work shall have been so delivered and accepted.

And it is also agreed that if, in any event, the party of the second part shall delay or fail to commence with the delivery of the material or the performance of the work at the day specified herein, or shall, in the judgment of the engineer in charge, fail to prosecute faithfully and diligently the work in accordance with the specifications and requirements of this contract, then, in either case, the party of the first part, or his successor legally appointed, shall have power, with the sanction of the Chief of Engineers, to annul this contract by giving notice in writing to that effect to the party (or parties, or either of them) of the second part; and, upon the giving of such notice, all money or reserved percentage due or to become due to the party or parties of the second part by reason of this contract shall be and become forfeited to the United States; and the party of the first part shall be thereupon authorized, if an immediate performance of the work or delivery of the materials be in his opinion required by the public exigency, to proceed to provide for the same by open purchase or contract, as prescribed in section 3709 of the Revised Statutes of the United States: Provided, however, that if the party (or parties) of the second part shall by freshets, ice, or other force or violence of the elements, and by no fault of his or their own, be prevented either from commencing or completing the work, or delivering the materials at the time agreed upon in this contract, such additional time may, in writing, be allowed him or them for such commencement or completion as, in the judgment of the party of the first part or his successor, shall be just and reasonable; but such allowance and extension shall in no manner affect the rights or obligations of the parties under this contract, but the same shall subsist, take effect, and be enforceable precisely as if the new date for such commencement or completion had been the date originally herein agreed upon.

And it is further expressly understood and agreed that no claim whatever shall at any time be made upon the United States by the party or parties of the second part for or on account of any extra work or material performed or furnished, or alleged to have been performed or furnished, under or by virtue of this contract, and not expressly bargained for and specifically included therein, unless such work or materials shall have been expressly required in writing by the party of the first part or his successor, the prices and quantities thereof having been first agreed upon by the contracting parties and approved by the Chief of Engineers.

And it is also further agreed by the parties of the second part, as required by the 14th section of the act of Congress approved July 17, 1862, that neither this contract nor any interest therein shall be transferred to any other party or parties, and that any such transfer shall cause the annulment of the contract as far as the United States are concerned.

Tennessee River improvement.—Muscle Shoals Canal.

U. S. ENGINEER OFFICE,
Chattanooga, Tenn., Feb. 7th, 1876.

Sealed proposals in duplicate will be received at this office until noon on Wednesday, March twenty-second (22), 1876, for the construction of locks in the Muscle Shoals Canal, Tennessee River, between Florence and Decatur, Alabama.

Specifications and forms for proposals will be furnished on application to this office.

WALTER McFARLAND,
Major of Engineers.

SPECIFICATIONS.

The locks for whose construction bids will be received are numbers 2, 3, 4, 6, and 7 (see Addendum), but awards will be made for the construction of only so many of these, beginning with number 2, as the amount of funds available for this purpose, and the prices bid, may warrant.

The locks are to be three hundred (300) feet long between mitre sills,—sixty (60) feet wide,—and of five (5) feet lift,—with chamber walls about thirteen feet high. The lock pit excavations will be about four hundred (400) feet in length by eighty (80) feet in breadth,—and are to be carried down to the limestone rock substratum, and into it where required. Timber and concrete floors will be used where the substratum is so cracked and faulty as to render them necessary.

The entire work must be executed in accordance with the working drawings, which shall be furnished from time to time as they are needed.

Each bid offered must relate to *one* lock only, designating it by its number, and must cover the cost of furnishing all material and doing all the work called for by these specifications, viz:

1. *Earth Excavation.*—Price per cubic yard measured in excavation—this must cover the preparation of the site by clearing and grubbing, and the excavation, removal, and deposit where directed, of all earthy and stony material except rock which cannot be removed without first breaking or blasting it.

2. *Rock Excavation.*—Under this head is to be included only such rock as cannot be readily moved without first breaking or blasting it. Its price must be per cubic yard measured *in bed*—and must cover the cost of excavating, removing and depositing where directed, as well as the cost of any necessary preliminary clearing or preparation of site.

3. *Timber.*—Price per thousand (1,000) feet board measure in place—this must cover the furnishing, preparing or fitting, and fastening in place of all timber and plank required in the work.

4. *Wrought Iron Clamps, Spikes, Bolts, Nuts, and Washers.*—Price per pound driven or placed—to cover cost of furnishing and putting in place, as well as any work necessary for the accomplishment of this—as boring or drilling.

5. *Concrete.*—Price per cubic yard in place—to cover the cost of furnishing all the material of which it is to be composed, and preparing, mixing, moving and depositing in place, as may be required.

6. *Cut Stone.*—Price per cubic yard, set; to cover the cost of furnishing, cutting, and setting, and supplying mortar, and building in such iron or wood work as may be furnished by the United States for that purpose.

7. *Rubble.*—Price per cubic yard, laid; to cover the cost of furnishing, shaping or dressing and laying in mortar, supplying the mortar, grouting the work where required, and building in posts or other material furnished by the United States for that purpose.

8. *Cast Iron Dowells.*—Cost per pound, set; which in addition to the furnishing is to cover the cost of the necessary drilling, fitting and cementing.

(See page 5.)

The lock-pits must be freed from water before the concrete or masonry work is begun, and must be kept so during the progress of the work. Any concrete or masonry laid in water must be taken up by the contractor at his own expense, and no payments of any kind will be made him until this is done.

Every expense which it may be necessary to incur in order to carry on the work in accordance with the plans and specifications—such as supplying tools, material, workmanship, labor, scaffolding, derricks, machinery, constructing coffer or other dams, pumping, bailing, draining, removing rubbish and unused materials while the work is in progress and after its completion, et cetera, must be borne by the contractor, and should be covered by the prices bid for excavation, masonry, or concrete, as no separate allowance will be made, under any circumstances, for such expenditures.

Material will be paid for only when it is permanently placed in its final position in the work and is then approved and accepted by the engineer in charge. Mere delivery of material at the work, or labor of any kind expended upon it, shall not entitle the contractor to any payment therefor.

The contractor must be responsible for the protection of the work until his contract is closed, and must repair any damage done to it by freshets, rains, overflows, et cetera, in such manner as the engineer in charge may direct, but at his own expense. Before receiving his final payment, he must, at his own expense, remove all dams, and other material and work temporarily used by him under his contract, and must secure the work from the weather as may be required.

MATERIALS AND WORKMANSHIP.

All materials and workmanship must be such as shall be approved by the engineer in charge, and must be carefully examined either by himself or by a duly authorized inspector acting for him. Rejected material must be removed at once from the work and vicinity. Masonry not approved must be taken down. No payment will be made for any material or work so rejected or disapproved.

Timber and Plank.—To be of long leafed pine, sound, straight, and free from cracks, sapwood, loose knots or imperfections of any kind, and laid and fastened as may be required.

Iron, Wrought and Cast.—To be of good quality American iron, free from defects. Bolts and clamps to be of best quality.

LAYING FOUNDATIONS AND FLOORS.

Where these are used trenches are to be cut in the rock bottom for the whole length of the walls, to receive eight rows of yellow pine timber, twelve (12) inches square, laid longitudinally and bolted at intervals to the rock bottom. The trenches must be cut so that these timbers shall lie horizontally and shall be supported throughout their entire length.

Transverse timbers of the same wood, with the same cross section, shall be laid upon the longitudinal timbers at right angles with them, and six (6) inches apart in the clear; and shall be bolted to the longitudinal timbers and to the intermediate masses of rock.

The spaces between these timbers shall be filled with concrete well rammed.

The floor will consist of two layers of two (2) inch yellow pine plank, laid and spiked as may be directed.

Cut Stone.—Must be of perfectly sound, strong and durable quality, free from seams, flaws, cracks, scales, earthy matter or other defects, and not easily injured by the action of water, air, or frost, and the blocks should be of the same general color and appearance.

Facing.—To be laid in regular courses, headers and stretchers; no course to have a height less than fifteen (15) inches or greater than two (2) feet. Each stone to have at least one-third more bed than rise.

Stretchers to be not less than three-and-a-half ($3\frac{1}{2}$) feet, or more than six (6) feet in length, and to break joints by at least a foot with the stretchers upon which they rest.

Headers to be either six (6) feet in length or "throughs"—to be not over twelve (12) feet apart in each course, and to be so placed as to fall near the middle of the interval between two adjacent headers of the course next below.

Beds to be cut parallel to each other and to the quarry bed. Vertical joints to be perpendicular to the beds and to the exposed face.

Beds and vertical joints to be dressed to true planes without projections, cavities, or wind; the former eighteen (18) inches, and the latter ten (10) inches back from the exposed face, to admit of being set with three-eighths ($\frac{3}{8}$) inch joints. The remaining parts of these surfaces to be broken or pointed off smoothly to admit of joints not exceeding one inch in thickness.

Exposed faces to be dressed with care—cut true and even, with clean angles and perfect edges, and without marking or spalling.

The hollow quoin must be formed by a single stone in each course, three (3) feet wide and seven (7) feet long, laid alternately as headers and stretchers.

The stones in each course at the angles of the head bay and tail bay, to be not less than three (3) feet by six (6) feet, laid as headers and stretchers, and dowelled to the stones above and below them by cast-iron dowells one and a half (1½) inches in diameter and eight inches long.

The facing of the mitre sill wall shall have its bed and vertical joints dressed throughout to true planes, to lay a quarter (¼) inch joint, the courses to be dowelled together, and the exposed face to be left rough with the exception of a draft line one inch wide around its edge, cut with great exactness.

The coping is to be eighteen (18) inches in thickness, and each stone must be at least three (3) feet wide, and long enough to stretch across the top of the wall, except where it is buttressed. Each must have a bed whose area is not less than fifteen (15) square feet, must be dressed true on all sides, and must be dowelled to the course below it and clamped to the coping stones next to it, as may be directed. The dowells to be of cast iron, twelve (12) inches long and two (2) inches in diameter; the clamps, of wrought iron, not less than eighteen (18) inches long, one and a half (1½) inches broad, and three quarters (¾) of an inch thick, to be let in flush with the surface, and to enter the coping about four (4) inches. The cement for fastening the dowells and clamps to consist of lead and antimony.

The upper edge of the coping, next the lock chamber, will be rounded to a radius of three inches. The foot of the coping will be set even with the exposed edge of the upper course of masonry, and this exposed angle will be beveled off for a width of one and a half (1½) inches, and to an angle of sixty (60) degrees.

Rubble.—Must consist of strong, sound, and durable stone, free from cracks, scale, or earthy matter; and where it is to be exposed to the action of the elements, it must be of a kind not readily disintegrated by them. When rubble backing is used, the coursing may be irregular, except where it unites with face work, in which case its horizontal joints must course with those of the face work as far as may be required. No stone shall have a less rise than ten (10) inches, nor a less width of bed than sixteen (16) inches, and the area of its bed should not fall below four (4) square feet. A stone of less rise or less bed may, however, be used occasionally as a leveller or to fill a small space.

The stone to be used in rubble walls must be hammered or pointed down to good fair surfaces, square with each other, and to lay with horizontal joints not exceeding one inch.

The stone should bond together not less than six (6) inches; and at intervals not greater than ten (10) feet, headers from four to five feet in length should be inserted, falling over the intervals between the headers of the course immediately beneath. Where the rubble and cut-stone facing unite, the rubble should set back an inch and a half, and the projecting angle of the cut stone facing should be beveled or chamfered to an angle of forty-five (45) degrees.

LAYING MASONRY.

All the cutting, dressing, or drilling necessary for fitting a stone for the position which it is to hold in the work, must be done before it is brought upon the wall, and it must then be lifted by a crane or derrick, and lowered into its place without shock to the masonry. Rolling or moving it while on the wall will not be allowed, and every stone whose bond or set is disturbed by shocks, however produced, must be taken up and reset at the expense of the contractor.

Every stone, both of the facing and of the backing, will be set or laid in a full bed of mortar, to be made as hereafter described; and very great care will be taken that the vertical joints are thoroughly filled with the same, placed by the trowel, before the next course above is set or laid.

Every surface which is to come in contact with mortar must be freed from dust and dirt, and thoroughly wet just before the mortar is applied.

Each stone, when permanently placed, must rest upon its quarry bed. Not more than three courses in either facing or backing are to be unfinished at a time; and the backing and filling, whether of rubble or concrete, are to go up with the facing, and are to be kept about even with the top of its last finished course.

The joints of the facing will be pointed as the work progresses, using the same kind of mortar with which the stone is set, or such as may be prescribed.

Cement.—Must be freshly burned and ground, and equal in quality to the best Rosendale. It should be fine dry powder, must be free from inert matter, and must set strongly and firmly but not too quickly.

Every barrel of cement shall be tested upon its arrival, and such as are rejected must be immediately removed from the work. Every barrel will be tested again just before it is taken out for use in the work, and whenever else it may be desirable to do so; and it shall not be used unless it passes these tests. If rejected, it must be

removed immediately from the vicinity of the work. In order to reduce the danger of deterioration during the interval which elapses between the first and the last examination, contractors are advised to have the cement furnished them in water-tight casks, and to have a water-tight cement shed prepared for the protection of that which passes the first test.

No fat or common lime, or cement which fails to pass the tests, is to be used in any part of the work.

Sand.—Must be sharp, clean, rather fine, and free from earthy or vegetable matter; and must be screened and washed, if required by the engineer in charge or the inspector.

Mortar.—Must consist of one part, by measure, of cement and two of sand, with only enough water to form a stiff paste with it. It must be mixed thoroughly by means of a mortar mill just before it is to be used, and in such quantity only as is immediately needed. None that remains over from the preceding day, or stands long enough to need reworking, is to be used in any part of the work. If it be ascertained that any such mortar has been used in the work, the part which it enters must be taken down again, and rebuilt with good mortar at the contractor's own expense.

No work involving the use of mortar is to be done while the temperature is at or below thirty-two degrees (32°) Fahrenheit.

Concrete.—Is to be composed of one part, by measure, of cement mortar and three parts of gravel or broken stone, small enough to pass through a ring two and a half ($2\frac{1}{2}$) inches in diameter; the stone or gravel to be hard, strong, and free from dust, and to be wet or washed before mixing with the mortar, if required. The mixture to be made in the most thorough manner by hoe and shovel, or by concrete mill, so that every piece of stone or gravel shall be entirely coated with the mortar.

In placing concrete, it shall be deposited in successive layers from six (6) to eight (8) inches thick, until the depth or thickness required is secured; each layer to be thoroughly rammed and settled in place before the next is laid upon it.

REMOVAL OF OLD LOCKS.

The old locks are to be taken down. Such of the material of which their walls are composed as is approved by the engineer in charge may be used in the construction of the new locks. The remainder will be deposited where required.

Bidders must state the price per cubic yard for which this work will be done, and the prices per cubic yard which they will pay for so much of this material as they may be permitted to use as facing and backing in the construction of the walls of the new locks.

The amount of masonry facing will be determined by measuring the area of the exposed vertical face, and allowing an average thickness of two (2) feet.

All orders and instructions which may be given by the engineer in charge in relation to the prosecution of the work, details of construction, et cetera, are to be complied with by the contractor.

APPROXIMATE QUANTITIES FOR ONE LOCK OF FIVE (5) FEET LIFT.

Earth excavation.—Varied by addendum.

Rock excavation.—Variable; not exceeding one thousand (1,000) cubic yards.

Timber and plank.—Contingent; four hundred thousand (400,000) feet, board measure.

Cut-stone masonry.—Fourteen hundred (1,400) cubic yards.

Rubble masonry.—Twenty-five hundred (2,500) cubic yards.

Concrete.—One thousand (1,000) cubic yards.

Wrought iron.—Spikes, twenty thousand (20,000) pounds; bolts, forty thousand (40,000) pounds.

Cast iron.—Dowells, thirty-five hundred (3,500) pounds.

The government reserves the right to make such alterations in the plans and specifications as the interests of the work may from time to time seem to require; and it is to be distinctly understood that any reduction of quantities which may result from such alteration is not to be assumed by the contractor as the basis of a claim against the government for damages or the loss of prospective profits.

Work must be begun under each contract within twenty (20) days after its execution, and must be completed by June 30th, 1877.

No convict labor will be allowed on the work.

Special attention is directed to the instructions to bidders to be found on the third page of the printed forms of proposals and guarantys. Bids not made in conformity with those instructions will not be considered.

Every bid must be made upon the printed forms furnished by the government and must be accompanied by conclusive evidence of the responsibility of the person or persons making the bid. The bidder must also state whether he has ever been directly engaged in building canal locks or similar works of masonry, and whether he has ever

been interested, directly or indirectly, in any contract with the Government of the United States; and if he has been so interested, he will give the date and character of the contract, and the name, title, and residence of the officer with whom it was formed, and will state where and how it was executed and who accepted it on the part of the government.

Bidders are informed that it is necessary for them to examine the sites of the proposed locks before offering their bids. Florence, Alabama, is the town nearest the shoals. An engineer stationed at the work will furnish those who apply with such additional information concerning it as they may require.

WALTER McFARLAND,
Major of Engineers.

ADDENDUM.

Locks 3 and 4, of five (5) feet lift each, are to be united, making one of ten (10) feet lift, to be called number 3.

Locks 6 and 7, of five (5) feet lift each, are to be united, making one of ten (10) feet lift, to be called number 4.

Bids will, therefore, be made for locks 2, 3, and 4 only.

Chattanooga, Tennessee, March 8th, 1876.

No member of Congress, officer or agent of the government, or any person employed in the public service shall be admitted to any share herein, or any benefit which may arise herefrom.

In witness whereof the undersigned have hereunto placed their hands and seals the day and date first above written.

(Executed in quintuplicate.)

WALTER McFARLAND, [L. S.]
Major of Engineers.
GEO. WILLIAMS. [L. S.]

Witnesses:
MAURICE KINGSLEY.
J. T. SARGENT.

I do solemnly swear that the copy of contract hereto annexed is an exact copy of a contract made by me personally with George Williams, of Keokuk, Lee County, Iowa; that I made the same fairly, without any benefit or advantage, corruptly, to the said George Williams, or any other person; and that the papers accompanying include all those relating to the said contract, as required by statute in such case made and provided.

WALTER McFARLAND,
Major of Engineers.

Subscribed and sworn to before me this 19th day of May, 1876.
(Signed) DAN'L J. DUFFY,
Commissioner of the U. S. Circt. Ct., East. Tenn.

Bond in the sum of $70,000.00 for the faithful performance of a contract between Major Walter McFarland, Corps of Engineers of the United States, and George Williams, of Keokuk, Iowa.

Know all men by these presents that we, George Williams, of Keokuk, in the county of Lee, in the State of Iowa, Albert L. Connable, of Keokuk, in the county of Lee, State of Iowa, and Joseph W. Bishop, of Keokuk, in the county of Lee, State of Iowa, are held firmly bound to the United States of America in the sum of seventy thousand dollars ($70,000.00) lawful money of the United States, for which payment, well and truly to be made, we bind ourselves and each of us, our and each of our heirs, executors, and administrators, for and in the whole, jointly and severally, firmly by these presents. Sealed with our seals, dated the 4th day of April, in the year of our Lord eighteen hundred and seventy-six (1876).

The condition of this obligation is such that whereas certain articles of agreement, bearing date the 31st day of March, 1876, have been entered into by and between Major Walter McFarland, Corps of Engineers, U. S. Army, acting for and in behalf of the said United States, and the above bounden, George Williams, for the construction of canal-locks at Muscle Shoals, Alabama. Now if the above bounden, George Williams, shall, for and during the period during which the said articles of agreement shall, by their original terms, as well as by reason of any extension of time which, as provided in said articles, may be granted for their performance, continue in force, duly and observe, comply with, and perform all and singular the terms, conditions, covenants, and agreements which, on the part of the said George Williams, are in said articles of

agreement covenanted and agreed to be observed, complied with, and performed, then this obligation shall be void; otherwise shall remain in full force and virtue.

GEO. WILLIAMS. [SEAL.]
ALBERT L. CONNABLE. [SEAL.]
JOSEPH W. BISHOP. [SEAL.]

In presence of us:
J. T. SARGENT.
C. L. WILLIAMS.
C. S. WHITNEY.

I, Albert L. Connable, of Keokuk, in the county of Lee, State of Iowa, do solemnly swear that I am worth, over and above my just debts and liabilities, the sum of seventy thousand dollars ($70,000.00) in real and personal property.

ALBERT L. CONNABLE.

Sworn to and subscribed before me and in my presence by Albert L. Connable, this 16th day of May, 1876. Witness my hand and seal notarial.

[SEAL.] A. J. MCCRARY,
Notary Public.

I, Joseph W. Bishop, of Keokuk, in the county of Lee, State of Iowa, do solemnly swear that I am worth, over my just debts and liabilities, the sum of seventy thousand dollars ($70,000.00) in real and personal property.

JOSEPH W. BISHOP.

Sworn to and subscribed in my presence and before me by Joseph W. Bishop, this 16th day of May, 1876. Witness my hand and seal notarial.

[SEAL.] A. J. MCCRARY,
Notary Public.

EXHIBIT C.

Articles of agreement entered into this 14th day of October, eighteen hundred and seventy-six (1876), between Captain W. R. King, Corps of Engineers, U. S. Army, for and in behalf of the United States of the first part, and George Williams, of Keokuk, in the county of Lee, State of Iowa, of second part.

This agreement witnesseth that the said parties have mutually agreed, and by these presents do mutually covenant and agree to and with each other in the manner following, namely: That the said George Williams shall, in conformity with the advertisement and specifications hereunto attached, and which form a part of this contract, furnish the material and do the work required in the construction of the locks of the Muscle Shoals Canal, designated in the addendum to the specifications as number two (2), at the following rates, viz:

1. *Earth excavation.*—Twenty-five (25) cents per cubic yard.
2. *Rock excavation.*—One dollar ($1.00) per cubic yard.
3. *Cut-stone masonry.*—Fourteen dollars ($14.00) per cubic yard set.
4. *Rubble masonry.*—Seven dollars ($7.00) per cubic yard laid.
5. *Concrete.*—Five dollars ($5.00) per cubic yard laid.
6. *Timber.*—Five dollars ($5.00) per thousand feet board measure laid.
7. *Wrought iron.*—Six cents (6 cents) per pound in place.
8. *Cast iron.*—Five cents (5 cents) per pound in place.
9. *Removal of masonry of old locks.*—One dollar ($1.00) per cubic yard.

And it is further agreed that the stone of the old locks which is to be taken down is to be used, as far as practicable, in the construction of the new locks, and for all stone so used the party of the second part shall pay as follows:

10. *Stone used as facing.*—Two dollars ($2.00) per cubic yard.
11. *Stone used as backing.*—One dollar ($1.00) per cubic yard.

These amounts to be deducted from the amounts of his estimates.

That all materials furnished and work done under this contract shall, before being accepted, be subject to a rigid inspection by an inspector appointed on the part of the government, and such as does not conform to the specifications set forth in this contract shall be rejected. The decision of the engineer officer in charge as to quality and quantity shall be final.

That the said George Williams shall commence work under this contract on or before the first day of December, eighteen hundred and seventy-six (1876), and shall complete the entire work contracted for on or before the thirty-first day of December, eighteen hundred and seventy-seven (1877).

That payment shall be made when the work contracted for shall have been delivered and accepted, reserving ten (10) per centum from each payment until the whole work shall have been so delivered and accepted.

And it is also agreed that if, in any event, the party of the second part shall delay or fail to commence with the delivery of the material or the performance of the work at the day specified herein, or shall, in the judgment of the engineer in charge, fail to prosecute faithfully and diligently the work in accordance with the specifications and requirements of this contract, then, in either case, the party of the first part, or his successor legally appointed, shall have power, with the sanction of the Chief of Engineers, to annul this contract by giving notice in writing to that effect to the party (or parties, or either of them) of the second part; and, upon the giving of such notice, all money or reserved percentage due or to become due to the party or parties of the second part by reason of this contract shall be and become forfeited to the United States; and the party of the first part shall be thereupon authorized, if an immediate performance of the work or delivery of the materials be in his opinion required by the public exigency, to proceed to provide for the same by open purchase or contract, as prescribed in section 3709 of the Revised Statutes of the United States: Provided, however, that if the party (or parties) of the second part shall by freshets, ice, or other force or violence of the elements, and by no fault of his or their own, be prevented either from commencing or completing the work, or delivering the materials at the time agreed upon in this contract, such additional time may, in writing, be allowed him or them for such commencement or completion as, in the judgment of the party of the first part, or his successor, shall be just and reasonable; but such allowance and extension shall in no manner affect the rights or obligations of the parties under this contract, but the same shall subsist, take effect, and be enforcable precisely as if the new date for such commencement or completion had been the date originally herein agreed upon.

And it is further expressly understood and agreed that no claim whatever shall at any time be made upon the United States by the party or parties of the second part, for or on account of any extra work or material performed or furnished, or alleged to have been performed or furnished, under or by virtue of this contract, and not expressly bargained for and specifically included therein, unless such extra work or materials shall have been expressly required in writing by the party of the first part or his successor, the prices and quantities thereof having been first agreed upon by the contracting parties, and approved by the Chief of Engineers.

And it is also further agreed by the parties of the second part, as required by the 14th section of the act of Congress approved July 17, 1862, that neither this contract nor any interest therein shall be transferred to any other party or parties, and that any such transfer shall cause the annulment of the contract as far as the United States are concerned.

Tennessee River Improvement, Muscle Shoals Canal.

U. S. ENGINEER OFFICE,
Chattanooga, Tenn., Feb. 7th, 1876.

Sealed proposals in duplicate will be received at this office until noon on Wednesday, March twenty-second (22), 1876, for the construction of locks in the Muscle Shoals Canal, Tennessee River, between Florence and Decatur, Alabama.

Specifications and forms for proposals will be furnished on application to this office.

WALTER McFARLAND,
Major of Engineers.

SPECIFICATIONS.

The locks for whose construction bids will be received are numbers 2, 3, 4, 6, and 7; but awards will be made for the construction of only so many of these, beginning with number 2, as the amount of funds available for this purpose and the prices bid may warrant.

The lots are to be three hundred (300) feet long between mitre-sills, sixty (60) feet wide, and of five (5) feet lift, with chamber-walls about thirteen feet high. The lock-pit excavations will be about four hundred (400) feet in length by eighty (80) feet in breadth, and are to be carried down to the limestone rock substratum, and into it where required. Timber and concrete floors will be used where the substratum is so cracked and faulty as to render them necessary.

The entire work must be executed in accordance with the working-drawings, which shall be furnished from time to time as they are needed.

Each bid offered must relate to *one* lock only, designating it by its number, and must cover the cost of furnishing all the material and doing all the work called for by these specifications, viz:

1. *Earth excavation.*—Price per cubic yard, measured in excavation. This must cover the preparation of the site by clearing and grubbing, and the excavation,

removal, and deposit where directed of all earthy and stony material, except rock which cannot be removed without first breaking or blasting it.

2. *Rock excavation.*—Under this head is to be included only such rock as cannot be readily moved without first breaking or blasting it. Its price must be per cubic yard, measured *in bed*, and must cover the cost of excavating, removing, and depositing where directed, as well as the cost of any necessary preliminary clearing or preparation of site.

3. *Timber.*—Price per thousand (1,000) feet, board measure, in place. This must cover the furnishing, preparing, or fitting and fastening in place of all timber and plank required in the work.

4. *Wrought-iron clamps, spikes, bolts, nuts, and washers.*—Price per pound, driven or placed; to cover cost of furnishing and putting in place, as well as any work necessary for the accomplishment of this, as boring or drilling.

5. *Concrete.*—Price per cubic yard, in place; to cover the cost of furnishing all the material of which it is to be composed, and preparing, mixing, moving, and depositing in place as may be required.

6. *Cut stone.*—Price per cubic yard, set; to cover the cost of furnishing, cutting, and setting, and supplying mortar and building in such iron or wood work as may be furnished by the United States for that purpose.

7. *Rubble.*—Price per cubic yard, laid; to cover the cost of furnishing, shaping, or dressing, and laying in mortar, applying the mortar, grouting the work where required, and building in posts or other material furnished by the United States for that purpose.

8. *Cast-iron dowels.*—Cost per pound, set; which, in addition to the furnishing, is to cover the cost of the necessary drilling, fitting, and cementing.

The lock-pits must be freed from water before the concrete or masonry work is begun, and must be kept so during the progress of the work. Any concrete or masonry laid in water must be taken up by the contractor at his own expense, and no payments of any kind will be made him until this is done.

Every expense which it may be necessary to incur in order to carry on the work in accordance with the plans and specifications, such as supplying tools, material, workmanship, labor, scaffolding, derricks, machinery, constructing coffer or other dams, pumping, bailing, draining, removing rubbish and unused material while the work is in progress and after its completion, et cetera, must be borne by the contractor, and should be covered by the prices bid for excavation, masonry, or concrete, as no separate allowance will be made, under any circumstances, for such expenditures.

Material will be paid for only when it is permanently placed in its final position in the work, and is then approved and accepted by the engineer in charge. Mere delivery of material at the work, or labor of any kind expended upon it, shall not entitle the contractor to any payment therefor.

The contractor must be responsible for the protection of the work until his contract is closed, and must repair any damage done to it by freshets, rains, overflows, et cetera, in such manner as the engineer in charge may direct, but at his own expense. Before receiving his final payment he must, at his own expense, remove all dams and other material and work temporarily used by him under his contract, and must secure the work from the weather, as may be required.

MATERIALS AND WORKMANSHIP.

All materials and workmanship must be such as shall be approved by the engineer in charge, and must be carefully examined, either by himself or by a duly authorized inspector acting for him. Rejected material must be removed at once from the work and vicinity. Masonry not approved must be taken down. No payment will be made for any material or work so rejected or disapproved.

Timber and plank.—To be of long-leafed pine, sound, straight, and free from cracks, sapwood, loose knots, or imperfections of any kind, and laid and fastened as may be required.

Iron, wrought and cast.—To be of good quality American iron, free from defects. Bolts and clamps to be of best quality.

LAYING FOUNDATIONS AND FLOORS.

Where these are used, trenches are to be cut in the rock bottom for the whole length of the walls to receive eight rows of yellow pine timber twelve (12) inches square, laid longitudinally and bolted at intervals to the rock bottom. The trenches must be cut so that these timbers shall lie horizontally and shall be supported throughout their entire length.

Transverse timbers of the same wood, with the same cross section, shall be laid upon the longitudinal timbers at right angles with them, and six (6) inches apart in the clear; and shall be bolted to the longitudinal timbers and to the intermediate masses of rock.

The spaces between these timbers shall be filled with concrete well rammed.

The floor will consist of two layers of two (2) inch yellow pine plank, laid and spiked as may be directed.

Cut stone.—Must be of perfectly sound, strong, and durable quality, free from seams, flaws, cracks, scales, earthy matter, or other defects, and not easily injured by the action of water, air, or frost, and the blocks should be of the same general color and appearance.

Facing.—To be laid in regular courses, headers and stretchers; no course to have a height less than fifteen (15) inches or greater than two (2) feet. Each stone to have at least one-third more bed than rise.

Stretchers to be not less than three and a half ($3\frac{1}{2}$) feet or more than six (6) feet in length, and to break joints by at least a foot with the stretchers upon which they rest.

Headers to be either six (6) feet in length or "throughs"—to be not over twelve (12) feet apart in each course, and to be so placed as to fall near the middle of the interval between two adjacent headers of the course next below.

Beds to be cut parallel to each other and to the quarry bed. Vertical joints to be perpendicular to the beds and to the exposed face.

Beds and vertical joints to be dressed to true planes without projections, cavities, or wind; the former eighteen (18) inches and the latter ten (10) inches back from the exposed face to admit of being set with three-eighths ($\frac{3}{8}$) inch joints. The remaining parts of these surfaces to be broken or pointed off smoothly to admit of joints not exceeding one inch in thickness.

Exposed faces to be dressed with care—cut true and even, with clean angles and perfect edges, and without marking or spalling.

The hollow quoin must be formed by a single stone in each course, three (3) feet wide and seven (7) feet long, laid alternately as headers and stretchers.

The stones in each course at the angles of the head bay and tail bay to be not less than three (3) feet by six (6) feet, laid as headers and stretchers, and dowelled to the stones above and below them by cast-iron dowell one and a half ($1\frac{1}{2}$) inches in diameter and eight inches long.

The facing of the mitre-sill wall shall have its bed and vertical joints dressed throughout to true planes, to lay a quarter ($\frac{1}{4}$) inch joint, the courses to be dowelled together, and the exposed face to be left rough with the exception of a draft line one inch wide around its edge, cut with great exactness.

The coping is to be eighteen (18) inches in thickness, and each stone must be at least three (3) feet wide, and long enough to stretch across the top of the wall, except where it is buttressed. Each must have a bed whose area is not less than fifteen (15) square feet, must be dressed true on all sides, and must be dowelled to the course below it and clamped to the coping stones next to it, as may be directed. The dowells to be of cast iron twelve (12) inches long and two (2) inches in diameter; the clamps, of wrought iron, not less than eighteen (18) inches long, one and a half ($1\frac{1}{2}$) inches broad, and three-quarters ($\frac{3}{4}$) of an inch thick, to be let in flush with the surface and to enter the coping about four (4) inches. The cement for fastening the dowell and clamps to consist of lead and antimony.

The upper edge of the coping next the lock chamber will be rounded to a radius of three inches. The foot of the coping will be set even with the exposed edge of the upper course of masonry, and this exposed angle will be beveled off for a width of one and a half ($1\frac{1}{2}$) inches, and to an angle of sixty (60) degrees.

Rubble.—Must consist of strong, sound, and durable stone, free from crack, scale, or earthy matter; and where it is to be exposed to the action of the elements, it must be of a kind not readily disintegrated by them. When rubble backing is used, the coursing may be irregular, except where it unites with face work, in which case its horizontal joints must course with those of the face work as far as may be required. No stone shall have a less rise than ten (10) inches, nor a less width of bed than sixteen (16) inches, and the area of its bed should not fall below four (4) square feet. A stone of less rise or less bed may, however, be used occasionally as a leveller or to fill a small space.

The stone to be used in rubble walls must be hammered or pointed down to good fair surfaces, square with each other, and to lay with horizontal joints not exceeding one inch.

The stone should bond together not less than six (6) inches, and at intervals not greater than ten (10) feet; headers from four to five feet in length should be inserted, falling over the intervals between the headers of the course immediately beneath. Where the rubble and cut-stone facing unite, the rubble should set back an inch and a half, and the projecting angle of the cut-stone facing should be beveled or chamfered to an angle of forty-five (45) degrees.

LAYING MASONRY.

All the cutting, dressing, or drilling necessary for fitting a stone for the position which it is to hold in the work must be done before it is brought upon the wall, and

it must then be lifted by a crane or derrick, and lowered into its place without shock to the masonry. Rolling or moving it while on the wall will not be allowed, and every stone whose bond or set is disturbed by shocks, however produced, must be taken up and reset at the expense of the contractor.

Every stone, both of the facing and of the backing, will be set or laid in a full bed of mortar, to be made as hereafter described; and very great care will be taken that the vertical joints are thoroughly filled with the same, placed by the trowel, before the next course above is set or laid.

Every surface which is to come in contact with mortar must be freed from dust and dirt and thoroughly wet just before the mortar is applied.

Each stone, when permanently placed, must rest upon its quarry bed. Not more than three courses in either facing or backing are to be unfinished at a time; and the backing and filling, whether of rubble or concrete, are to go up with the facing, and are to be kept about even with the top of its last finished course.

The joints of the facing will be pointed as the work progresses, using the same kind of mortar with which the stone is set, or such as may be prescribed.

Cement.—Must be freshly burned and ground, and equal in quality to the best Rosendale. It should be a fine dry powder, must be free from inert matter, and must set strongly and firmly, but not too quickly.

Every barrel of cement shall be tested upon its arrival, and such as are rejected must be immediately removed from the work. Every barrel will be tested again just before it is taken out for use in the work, and whenever else it may be desirable to do so, and it shall not be used unless it passes these tests. If rejected, it must be removed immediately from the vicinity of the work. In order to reduce the danger of deterioration, during the interval which elapses between the first and the last examination, contractors are advised to have the cement furnished them in water-tight casks, and to have a water-tight cement shed prepared for the protection of that which passes the first test.

No fat or common lime, or cement which fails to pass the tests, is to be used in any part of the work.

Sand.—Must be sharp, clean, rather fine, and free from earthy or vegetable matter; and must be screened and washed, if required by the engineer in charge or the inspector.

Mortar.—Must consist of one part by measure of cement, and two of sand, with only enough water to form a stiff paste with it. It must be mixed thoroughly by means of a mortar mill just before it is to be used, and in such quantity only as is immediately needed. None that remains over from the preceding day, or stands long enough to need re-working, is to be used in any part of the work. If it be ascertained that any such mortar has been used in the work, the part which it enters must be taken down again and rebuilt with good mortar at the contractor's own expense.

No work involving the use of mortar is to be done while the temperature is at or below thirty-two degrees (32°) Fahrenheit.

Concrete.—Is to be composed of one part by measure of cement mortar, and three parts of gravel or broken stone, small enough to pass through a ring two-and-a-half ($2\frac{1}{2}$) inches in diameter; the stone or gravel to be hard, strong, and free from dust, and to be wet or washed before mixing with the mortar, if required. The mixture to be made in the most thorough manner by hoe and shovel, or by concrete mill, so that every piece of stone or gravel shall be entirely coated with the mortar.

In placing concrete it shall be deposited in successive layers from six (6) to eight (8) inches thick, until the depth or thickness required is secured. Each layer to be thoroughly rammed and settled in place before the next is laid upon it.

REMOVAL OF OLD LOCKS.

The old locks are to be taken down. Such of the material of which their walls are composed as is approved by the engineer in charge may be used in the construction of the new locks. The remainder will be deposited where required.

Bidders must state the price per cubic yard for which this work will be done, and the prices per cubic yard which they will pay for so much of this material as they may be permitted to use as facing and backing in the construction of the walls of the new locks.

The amount of masonry facing will be determined by measuring the area of the exposed vertical face and allowing an average thickness of two (2) feet.

All orders and instructions which may be given by the engineer in charge in relation to the prosecution of the work, details of construction, et cetera, are to be complied with by the contractor.

APPROXIMATE QUANTITIES FOR ONE LOCK.

Earth excavation, rock excavation.—Variable—Not exceeding one thousand (1,000 cubic yards.

Timber and plank.—Contingent—Four hundred thousand (400,000) feet board measure.

Cut stone masonry.—Fourteen hundred (1,400) cubic yards.

Rubble masonry.—Twenty-five hundred (2,500) cubic yards.

Concrete.—One thousand (1,000) cubic yards.

Wrought iron.—Spikes, twenty thousand (20,000) pounds. Bolts, forty thousand (40,000) pounds.

Cast iron.—Dowell's, thirty-five hundred (3,500) pounds.

The Government reserves the right to make such alterations in the plans and specifications as the interests of the work may from time to time seem to require; and it is to be distinctly understood that any reduction of quantities which may result from such alterations is not to be assumed by the contractor as the basis of a claim against the Government for damages or the loss of prospective profits.

Work must be begun under each contract within twenty (20) days after its execution and must be completed by June 30th, 1877.

No convict labor will be allowed on the work.

Special attention is directed to the Instruction to Bidders, to be found on the third page of the printed forms of Proposals and Guarantys. Bids not made in conformity with these instructions will not be considered.

Every bid must be made upon the printed forms furnished by the Government, and must be accompanied by conclusive evidence of the responsibility of the person or persons making the bid. The bidder must also state whether he has ever been directly engaged in building canal locks or similar work of masonry, and whether he has ever been interested directly or indirectly in any contract with the Government of the United States; and if he has been so interested, he will give the date and character of the contract, and the name, title, and the residence of the officer with whom it was formed; and will state where and how it was executed, and who accepted it on the part of the Government.

Bidders are informed that it is necessary for them to examine the sites of the proposed locks before offering their bids. Florence, Alabama, is the town nearest the Shoals. An Engineer stationed at the work will furnish those who apply with such additional information concerning it as they may require.

WALTER McFARLAND,
Major of Engineers.

ADDENDUM.

Lock 3 and 4, of five (5) feet lift each, are to be united, making one of ten (10) feet lift, to be called number 3.

Locks 6 and 7, of five (5) feet lift each, are to be united, making one of ten (10) feet lift. to be called number 4.

Bids will therefore be made for locks 2, 3 and 4 only.

Chattanooga, Tennessee, March 8th, 1876.

No member of Congress, officer or agent of the Government, or any person employed in the public service, shall be admitted to any share herein, or any benefit which may arise herefrom.

In witness whereof, the undersigned have hereunto placed their hands and seals the day and date first above written.

(Executed in quintuplicate.)

W. R. KING,
Captain of Engineers.
GEORGE WILLIAMS.

Witnesses:
J. C. LODOR,
C. P. COMEGYS.

I do solemnly swear that the copy of contract hereto annexed is an exact copy of a contract made by me personally with George Williams, of Keokuk, Lee county, Iowa; that I made the same fairly, without any benefit or advantage corruptly to the said George Williams or any other person; and that the papers accompanying include all those relating to the said contract as required by statute in such cases made and provided.

W. R. KING,
Captain of Engineers.

Subscribed and sworn to before me this 30th day of October, 1876.
[SEAL.]
THEO. G. MONTAGUE,
Notary Public.

Bond in the sum of $21,000 for the faithful performance of a contract between Captain William R. King, Corps of Engineers, for the United States, and George Williams, of Keokuk, Iowa.

Know all men by these presents that we, George Williams, Albert L. Connable, and A. Hosmer, all of Keokuk, in the county of Lee, State of Iowa, are held and firmly bound to the United States of America in the sum of twenty-one thousand dollars ($21,000), lawful money of the United States; for which payment, well and truly to be made, we bind ourselves and each of us our and each of our heirs, executors, and administrators, for and in the whole, jointly and severally, firmly by these presents. Sealed with our seals, dated the 14th day of October, in the year of our Lord eighteen hundred and seventy-six (1876).

The condition of this obligation is such that whereas certain articles of agreement, bearing date the 14th day of October, 1876, have been entered into by and between Captain W. R. King, Corps of Engineers, U. S. Army, acting for and in behalf of the United States, and the above bounden George Williams, for the construction of canal lock number two (2), at Muscle Shoals, Alabama: Now, if the above bounden George Williams shall, for and during the period during which the said articles of agreement shall, by their original terms, as well as by reason of any extension of time which, as provided in said articles, may be granted for their performance, continue in force, duly and fully observe, comply with, and perform all and singular the terms, conditions, covenants, and agreements which on the part of the said George Williams are in said articles of agreement covenanted and agreed to be observed, complied with, and performed, then this obligation shall be void; otherwise, shall remain in full force and virtue.

GEO. WILLIAMS. [SEAL.]
ALBERT L. CONNABLE. [SEAL.]
A. HOSMER. [SEAL.]

In presence of us:
BRANCH RAILEY.
J. N. TICHENOR.
J. N. TICHENOR.

I, Albert L. Connable, of Keokuk, in the county of Lee, State of Iowa, do solemnly swear that I am worth, over and above my just debts and liabilities, the sum of twenty-one thousand dollars ($21,000) in real and personal property.

ALBERT L. CONNABLE.

Subscribed and sworn to before me this 14th day of October, 1876.

H. K. LOVE,
Clerk United States Dist. Court, Dist. of Iowa,
By ERIE J. LEECH, *Deputy.*

I, A. Hosmer, of Keokuk, in the county of Lee, State of Iowa, do solemnly swear that I am worth, over and above by just debts and liabilities, the sum of twenty-one thousand dollars ($21,000) in real and personal property.

A. HOSMER.

Subscribed and sworn to before me this 14th day of October, 1876.

H. K. LOVE,
Clerk United States Dist. Court, Dist. of Iowa,
By ERIE J. LEECH, *Deputy.*

KEOKUK, IOWA, *January* 22, 1877.

Major W. R. KING,
U. S. Engineers, Chattanooga, Tenn.:

DEAR SIR: I have the honor to apply to you for such reasonable compensation as may be just for the work done and to be done by me in the excavation of earth, rock, &c., in sections 3 and 4 on the upper half of the old canal around "Big Muscle Shoals," on the Tennessee River.

In support of my application I make the following statement, to which I invite your especial attention, and upon which I ask your considerate judgment:

I commenced this work under written contract with Walter McFarland, Major of Engineers, dated December 13th, 1875.

Major McFarland, by advertisement dated U. S. Engineer's Office, Chattanooga, Tennessee, September 2, 1875, stated that sealed proposals would be received at that office until noon of the 15th day of November, A. D. 1875, for the excavation of earth, rock, etc., in the construction of the canal around "Muscle Shoals," in the Tennessee River, between Florence and Decota, Alabama, and that specifications and forms for proposals would be furnished on application.

The advertisement and specifications are copied in my contract.

The specifications divide the work into seven sections.

The specifications show bidders were authorized to bid for one or more sections, but separate bids were required for each section.

Each bid was required to cover *all the work to be done in the section to which it relates.*

The bid on each section was to give the proposed price of, first, grubbing and clearing, per acre; second, earth excavation, per cubic yard; third, earth embankment, per cubic yard; fourth, rock excavation, per cubic yard; fifth, slope wall, per cubic yard; bidders were advised to examine the work in person before offering their bids, and were informed that an engineer was stationed at Florence, Alabama, who would accompany them to and over the work when desired, and would furnish such additional information as might be required.

The specifications further show: The work as contemplated included not only "the repair," but "the enlargement" of the canal; not only the repair, "heightening and strengthening of the embankment," but also the "widening" and deepening of the canal trunk. The extreme width of the canal was to be not over one hundred feet, and the material was in no case to be raised over twelve feet, or to be moved in general over one hundred feet.

The specifications contain approximations of quantities for each section.

For sections 3 and 4 as follows:

Section.	Earth.	Rock.
	Cubic yards.	*Cubic yards.*
3	100,000	.....
4	80,000	6,000

After receiving the specifications, I went personally and examined the work. Major Long, engineer in charge, exhibited to me the maps and profile of the proposed work, and gave me full explanations concerning the same.

At the time I made my bids it was contemplated and understood, as shown by the maps and profiles as represented to me by Major Long, and as appears from the specifications themselves, that the canal in sections 3 and 4 was to be 100 feet wide, but which might possibly be reduced to a width of 80 feet.

The canal on these sections being either eighty or one hundred feet wide, involved, as part of the excavation work, the removal of the old tow-path from fifteen to thirty-five feet into the river and the building of a new tow-path, and also the building of a slope wall on the new tow-path for the whole length, or nearly so, of these sections.

The work as then planned, if carried out, would have approximated the quantities mentioned in the specifications. I made my bids for each of these sections separately, upon the faith that the work to be done in each was of the magnitude I have stated, and graduated my prices accordingly.

Instead of the work being carried out as then planned, it has been materially and radically changed.

The plan now being carried out leaves the canal sixty-three or sixty-five instead of eighty or one hundred feet wide in these sections. The old tow-path remains where it originally stood, and the contemplated work on slope wall is nearly all dispensed with.

If the change in the plan had not been made the character of the excavation work in removing the old tow-path and building the new, and the large amount thereof, together with the large amount of slope wall work, would have made the contract realize a reasonable compensation at the contract prices.

Now, by this great and material and unexpected change in the whole character and scope of the work in the alterations, I will suffer most serious loss if I am held to the contract prices.

The change was made without my fault, and I am in no wise responsible for it. I am advised and believe by reason of the change I would have had the right to refuse to complete the work at the contract prices.

But this I have not done nor do I want to do.

I desire and intend to fully complete the work.

I believe that under the circumstances you will allow me such reasonable compensation for the work done and to be done on these sections as will at least give me the actual cost of doing the work, which I will show by my books, pay-lists, and vouchers, and a reasonable compensation for the use of my tools and machinery, and, in addition, a small compensation as profit for the use of the capital invested.

All of which is respectfully submitted.

EXHIBIT E.

WASHINGTON, D. C., *May* 24, 1877.

Major W. R. KING,
U. S. Engineer, Chattanooga, Tenn.:

DEAR SIR: On or about February 7, 1876, Major Walter McFarland, of U. S. Engineers, issued proposals for bids to furnish material and construct three locks, Nos. 2, 3, and 4, Muscle Shoals Canal, Tennessee River. The contract was awarded me in March to build locks 3 and 4, and at a later date also lock 2.

At the time of the letting no detailed plan was exhibited, but certain quantities of material were given as being required to complete the work. Among others, it was stated there would be 7,100 yards cut-stone masonry and 17,400 yards rubble masonry, in all 24,500 yards of cut-stone and rubble masonry in the three locks.

One of the conditions of the contract was that the work should be commenced in May, 1876, and completed June 30, 1877. Another was that the contract could be amended by the assent of both parties, and approval of Chief of Engineers.

I have the honor to state that during the month of May, 1876, I placed upon, and contiguous thereto, a large plant of tools necessary and suitable to do this work, and at the same time skilled workmen and laborers, who actually commenced work on locks 3 and 4 in June, 1876, and have continued at work ever since with such diligence as the locality and elements would permit. All the operations so far have been at a loss to me, which I am prepared to show by vouchers and statements from my books kept with this work.

As I have stated before, the contract was for 24,500 yards of masonry; by alterations and modifications of the plans, the work, as being executed at this time, will, as I am informed and believe, amount to less than 14,000 yards.

I would respectfully apply to you for such reasonable modifications of the contract as I may be entitled to for changes of quantities and other work not fully provided for by the contract, so far at least to pay me actual cost of labor and material, and a reasonable compensation for the use of my tools, and very cordially accede to your proposition of yesterday to submit this whole question to some disinterested experts as arbitrators.

Your suggestion of Mr. Guy Wells, of Keokuk, Iowa, I accept, and would further suggest that the Chief of Engineers appoint some one from the Engineer Corps to cooperate with Mr. Wells, and if desirable to have a third party, I would willingly assent that Mr. D. C. Jerney, engineer for the State of Illinois, now building locks on Illinois River. Let them go on the ground, examine the working and vouchers of cost to date, and make report as they see fit to aid us in a better understanding of the contract, or in any other manner that yourself or the Chief of Engineers may suggest.

All of which is respectfully submitted.

GEORGE WILLIAMS.

EXHIBIT F.

WASHINGTON, D. C., *March* 16, 1878.

Gen. A. A. HUMPHREYS,
Chief of Engineers, U. S. Army:

DEAR SIR: I would respectfully represent that on the 31st day of March, 1876, I entered into contract with Major Walter McFarland, Corps Engineers, U. S. Army, to build locks 3 and 4, Muscle Shoals Canal, Tennessee River. Bids were called for under specifications dated February 7, to be opened March 22, 1876, for these locks.

On page 6 of these specifications, bidders were informed that it was necessary to examine the sites of the proposed locks before offering their bids. Myself, and more especially my superintendent, examined the sites or approximate locality, and on the day preceding the letting we called at Major McFarland's office, in Chattanooga, and requested to be shown the plans.

As no plans had been prepared we were shown plan of middle lock, Des Moines Rapids Canal, Mississippi River, at Keokuk, and informed that these locks would be 50 feet shorter and 20 feet narrower in lock chamber, but in many other respects similar. Having built the most of middle lock at Keokuk, I made my bid for such items of the specifications as would be used in the construction of these locks. My bid amounted in the aggregate for the two locks to $207,290, and I supposed that this amount would be largely increased, as many of the items were understood to be approximate and understated.

The time fixed in contract for commencing the work was May 1st. I was on the work, ready to commence, on or about May 4th, but was informed by the civil engineer in charge, Major Long, that the sites for locks 3 and 4 were not permanently located. I also learned that Kennedy, contractor for the section work on sections 3,

4, 5, and 6, at the locality where these locks were to be built, had not completed his work, and was about stopping for want of means, and that it would be impossible for me to place my tools upon the work while he was in possession. Having brought out a force of skilled men and foreman with me, I was at loss how to act. Major King having been appointed successor to Major McFarland, but had not taken possession of the work, I had no one to consult.

Having my men on the work I inquired of Major Long, civil engineer in local charge, as to the character of Kennedy's work to be completed. From his representation of the quantities to be moved, I thought I might with safety ask to be allowed to complete this work under a power of attorney from him, expecting to find employment for my men until such time as the permanent sites and the plans of the locks were ready. From a mistake as to his powers, Major Long misled me as to the manner of estimating the section work, and its final completion was a heavy loss to me.

What I wish particularly to say at this time is that lock 3 is entirely complete under original contract, and lock 4 also, with exception of small portion of the coping and clearing up of lock pit; that the estimates, so far, are about $80,000 less than the cost to me of doing the work; that the contract and specifications do not provide for the building of a culvert or any curved or arched work; that the lift to both of these locks has been increased; that the foundations as built are not provided for in the contract or specifications; that the rulings as to these portions are so different from my understanding, and the estimates so far below the figures in aggregate of the contract, that they will bring me a heavy loss.

Therefore, I respectfully ask that the whole matter be taken up and revised, hoping that under certain provisions of the contract you may be able to allow me such further compensation as will relieve me from loss, and allow me a reasonable compensation for the use of my tools.

What I claim that the department should allow me under a fair construction of the contract, and in view of all the circumstances, is as follows:

1. A further compensation for the foundation. The contract provides for a foundation made of timber or concrete; I was required to make it of cut stone. For this masonry I have been paid only $7 per cubic yard, being the cheapest rate for rubble masonry, whereas I am entitled to $16 per cubic yard, the price of cut-stone masonry.

2. An additional allowance on cut-stone masonry used in the face of the lock chamber. For this I have been allowed $16 per cubic yard for two feet and $7 per cubic yard for one foot. I am entitled to $16 per cubic yard for the whole three feet, and the balance is $9 per cubic yard on one foot of said work.

3. An allowance for curved work and for arches. I have been allowed for these only the same as plain cut-stone masonry. This work is not specifically mentioned in the contract, and the rule is that it is to be counted double the plain work. I am allowed on this $16 per cubic yard, and am entitled to $32 per cubic yard.

4. An additional allowance for cut-stone masonry in the construction of the mitre sills. I am allowed on this $16 per cubic yard on two-foot face, and only $7 on balance. I am entitled to $16 per cubic yard for the entire contents, all of which is cut-stone masonry, according to the specifications.

Very respectfully,

GEO. WILLIAMS.

EXHIBIT G.

WASHINGTON, D. C., *March* 19, 1878.

General A. A. HUMPHREYS,
Chief of Engineers, United States Army:

I.

The first claim I make is for compensation for the foundation. The contract contemplates a foundation made of timber filled with concrete. I was required to and did make it out of cut-stone. I have been allowed for this not as timber or concrete, but as rubble masonry.

The character of this work was such that it should be classified as cut-stone masonry, and the contract authorizes and requires such classification.

The contract price of rubble masonry is $7 per cubic yard, and of cut-stone masonry $16 per cubic yard—a difference of $9 per cubic yard.

The stones put into this foundation were cut on the lower and upper beds and vertical joints. All the appliances used in cutting first-class cut-stone masonry were used in cutting these stones which went into this foundation.

These stones were all regularly shaped to fit the places assigned for them.

The expense per cubic yard of cutting these stones was greater than the average cost per cubic yard of cutting the cut-stone masonry in the walls of the lock. It is

impossible to classify this work as "rubble-stone masonry," either in the common acceptation of the terms or under the specifications of the contract. On the other hand, this work, under the specifications of the contract and the common understanding of the terms, should be classified as "cut-stone masonry." In any event, it cannot be classified as rubble-stone masonry; and, as it was more expensive than cut-stone masonry, I should be allowed at least the price of cut-stone masonry.

II.

The second claim I make is for compensation for the cut-stone masonry used in the face of the lock-chamber. I have been allowed the price of cut-stone masonry—$16 per cubic yard—for two feet, and $7 per cubic yard, or rubble-masonry price for the balance. Under the provisions of the contract, I am entitled to be paid for all the cut-stone masonry used in the face of the lock-chamber, at full measurement.

This is manifest from a reference to the contract, under the subdivision thereof referring to "cut stone."

The stones required to be put in the face of the lock-chamber, and constituting the first layer of stones, are of different dimensions, yet every stone is required to be cut, and has been cut.

The contract, under the subdivision thereof relating to "rubble," speaks of the rubble uniting with the cut-stone, meaning thereby the uniting of the face of the lock or first layer of stones with the stones back of the same, and showing conclusively what the contract means by cut-stone and by rubble in the wall of the lock.

At the time the contract was made, as heretofore stated in a previous communication, I was shown a plan of the lock of the canal at Keokuk (no plan of this work having been made), and was led to believe that I should be allowed for cut-stone masonry an average thickness of three feet, which I had been allowed on the lock shown me, and built by me at Keokuk.

I am willing to have this cut-stone masonry measured to me at three feet thickness, or have the cut-stones in the face of the lock-chamber measured to me as required by the contract.

The measurement in either way will result about the same.

I protest that there is no provision in the contract for measuring this cut stone at an average thickness of two feet, as has been done. There is an allusion to a measurement of masonry-facing at two feet thickness in the removal of locks. Not a word is said, however, about cut-stone facing; nothing is said about the measurement of the cut-stone under the subdivision of the contract relating to cut-stone. I am entitled to that price for all the stone cut.

To construe the contract so as to allow me only two feet of cut-stone in the lock-chamber will result in depriving me of one-third of my work in cutting that stone.

III.

The third claim I make is for compensation for curved work and arches.

I have been allowed for these only the same as plain cut-stone masonry—$16 per cubic yard. This work is not specifically mentioned in the contract or specifications.

The well-settled rule and custom is, that I am to be allowed double the plain work. Of course, the contract must be construed in the light of this custom.

I claim for this curved and arched work double measurement, or $32 per cubic yard, single measurement.

IV.

The fourth claim I make is for compensation for cut-stone masonry used in the construction of the mitre-sills.

I am allowed on this $16 per cubic yard on two feet face, and only $7 on balance.

The entire contents of the mitre-sills are cut-stone masonry, according to the specifications of the contract. The contract nowhere authorizes the measurement of only two feet thickness of these mitre-sills.

It is fair and just, in harmony with the letter and spirit of the contract, that I should be paid for all the cut-stone work done by me. My bid for the work was at prices that could only contemplate, and did only contemplate, being paid for all the cut-stone work. I am entitled to $16 per cubic yard for all the cut-stone in the mitre-sills.

V.

In conclusion, I desire to say, if the allowances herein claimed are allowed me, then my work will be approximate, in cost to the government, the aggregate amount of my bids. If not allowed, the cost of the work to the government will fall far below what was contemplated by myself and the engineer in charge at the time the contract was made.

Very respectfully,

GEO. WILLIAMS.

EXHIBIT H.

Aggregate of bid, Lock No. 2.

1876.					
Oct. 14.	Earth excavation	1,000	C. Y.,	25 cts.	250
	Rock excavation	1,000	"	1.00	1,000
	Cut stone	1,900	"	14.00	26,600
	Rubble stone	3,800	"	7.00	26,600
	Concrete	1,000	"	5.00	5,000
	Lumber	25,000	"	5.00	125
	Wrought iron	4,000	"	.06	240
	Cast iron	3,500	"	.05	175
	Removing old lock	1,000	"	1.00	1,000
					60,990
	Allowance				
	For cut stone, old lock	180	C. Y.	2.00	360
	For rubble stone "	500	"	1.00	500
					860
	Total amount of bid as per contract				$60,130

EXHIBIT I.

Aggregate of bid, Lock No. 3.

1876.				
March 31.	Earth excavation	1,000	50 cts.	500
	Rock excavation	3,000	2.00	6,000
	Cut stone	2,600	16.00	41,600
	Rubble stone	6,800	7.00	47,600
	Concrete	1,000	7.00	7,000
	Lumber	25,000	5.00	125
	Wrought iron	4,000	.06	240
	Cast iron	6,000	.05	300
	Removing old locks	2,000	1.00	2,000
	Allowance			$105,365
	For cut stone, old lock	360	2.00	720
	For rubble stone, old lock	1,000	1.00	1,000
				1,720
	Total amount of bid as per contract			$103,645

EXHIBIT K.

Aggregate of bid, Lock No. 4.

1876.				
March 31.	Earth excavation	1,000	50 cts.	500
	Rock excavation	3,000	2.00	6,000
	Cut stone	2,600	16.00	41,600
	Rubble stone	6,800	7.00	7,000
	Concrete	1,000	5.00	125
	Lumber	25,000	.06	240
	Wrought iron	4,000	.05	300
	Cast iron	6,000	1.00	2,000
	Allowance			$105,365
	For cut stone, old lock	360	2.00	720
	For rubble stone, old lock	1,000	1.00	1,000
				1,720
	Total amount of bid as per contract			$103,645

No. 14.

EXHIBIT B.

Abstract of disbursements and receipts on account of Muscle Shoals Canal by George Williams and his legal representatives, under his contract for lock work. Also section work under power of attorney from Matthew G. Kennedy.

Date.	G. W. journal folio.	Name.	Description.	Check.	Vou.	Amount.
1876.						
Mch. 27	447	To A. Whitney	Cash	12629	G	250
Apl. 7	451	" " "	"	12691	G	150
" "	"	" K. & D. R. R. Co	Fgt. on engines	12707	1	28 16
" "	"	" Gould	Cleaning engine	12717	A	5 25
" 18	453	"	Unloading engines	12725	A	2 55
" "	"	"	Caulking boat	12726	A	2
" "	455	" C. S. Whitney	Expense to works	12749	F	50
" "	"	" Ames	Loading flats	12750	2	10
" "	"	" Michaels	" "	12751	2	10
" "	"	" G. W. Baker	" "	12759	A	4 50
" "	"	" Sheldon	Pumping flats	12761	A	1 25
" "	"	" Geo. Anderson	Calking boat	12764	3	316 95
" 29	457	" Gabriel Williams	Skiff	12766	A	25
" "	"	" Geo. McBride	Engineers' services	12774	A	15
" "	"	" A. Whitney	Expenses	12776	G	60
" "	"	" Sundry men	Loading barge	12777	4	23 35
" "	"	" L. D. Springer	Harness	12779	5	10
" "	"	" J. Johnson & others.	Loading barges	12811, 12812, 12813	A	15 10
" "	"	"	Skiff hire	12820	A	1
" "	"	" M. Reeves & Sons	Oakum & tar	12826	A	41 25
" "	"	" Quincy Boat Co	Caulking barge	12827	2	21 60
" "	"	"	Loading ice	12830	6	13 80
" "	"	" Patterson House	Board, pilot	12831	7	12 50
" "	"	" R. McNewell	Loading barge	12851	A	4
" "	"	" G. Williams	Cash for expenses	12822	G	300
May 9	459	" R. Martin & others	Loading ice	12865, 12866	A	6
" "	"	" G. R. Smith	Boat stores	12877	8	137 88
" "	"	" M. Stafford	Rope	12878	9	351 26
" "	"	" J. R. Shuler	Oars	12880	10	3
" "	"	" P. Conrad	Towing	12881	11	1,100
" "	"	" Westlake & Button	Derricks, &c	12905	12	115 25
" 15	461	" Geo. Knapp & Co	St. L. Republican	12944	13	12 25
			Forward fol. 2			$3,098 90
1876.			Forward fol. 1			$3,098 90
May 31	463	To Jas. Moffatt	Loading barge	12960	A	2
" "	"	"	Envelopes	12964	A	16 60
" "	"	" Sheldon	Watchman	12972	A	10 50
" "	"	" K. N. L. Pkt. Co	Freight	12984	14	50
" "	"	" P. Conrad	Towing	12998	15	1,080 76
" "	"	"	Hauling	13013	A	40
" "	"	" Wm. Pell	Pilot	13015	16	25
" "	"	"	Tools	12981	A	4
" "	465	" Keokuk	Pay lists for April, "B"			812 60
" "	"	" "	" " " " "C"			236 90
" "	"	" "	" " " May, "B"			312 35
June 6	"	" Capt. Gillespie	Steamer's expenses	13020	17	200
" "	"	" Sheldon	Watchman	13029	A	15
" "	"	" S. C. Westcott	Books	13037	18	4 05
" "	"	"	Filing saws	13047	A	50
" "	"	" Underwriters' Wrecking Co.	Raising cons. & iron	13053	19	350
" "	"	" W. U. Tel. Co	Telegraphing	13024	20	64 48
" 20	467	"	Helper for driver	13054	19	42
" "	"	" Hardin House	Board	13060	19	38 85
" "	"	" D. A. Kerr & Co	Oils, &c	13066	21	44 18
" "	"	" G. Williams	Cash, for expenses	13067	G	150
" "	"	" Branch Railey	Ice	13088	22	254 37
" "	"	" R. Sheldon	Watching barge	13090	A	14 50
" "	"	"	Interest	13094	C	170 80
" "	"	" Reese & Bro	Lumber	13098	23	11 22
" "	"	"	Interest	13099	C	170 83
" "	"	" R. G. Rouse, supt	Coal	13116	24	246 23
"	469	" Str. "Rapidan"	Freights	13119	25	176 45
"	"	" J. F. Lee & Co	Coal	13120	26	62 75
			Forward fol. 3			$7,666 22

EXHIBIT B.—*Abstract of disbursements and receipts, &c.*—Continued.

Date.	G. W. journal folio.	Name.	Description.	Check.	Vou.	Amount.
1876.			Forward fol. 2			$7,666 22
June 30	473	To White & Windom	Lumber	13124	27	258 06
" "	"	" C. Gillespie	Steamer's expenses	13131	17	427 02
" "	"	"	Loading barge	13134	28	50
" "	"	" R. Sheldon	Labor	13138	A	1 35
" "	"	"	Loading barge	13151	28	17 85
" "	"	" Ills. R. R. Coal Co	Coal	13153	29	80 20
" "	"	" M. Stafford	Rope	13161	30	96
" "	"	" S. C. Westcott	Books	13171	31	5 15
" "	"	" White & Windom	Lumber	13179	32	68 13
" "	"	" Keokuk	Pay list for June			207 50
" "	"	" "	" " " "			535 59
July 19	475	" J. B. Litton & Bro	Horse	13187	33	125 25
" "	"	" Geo. Williams	Trip to works	13196	G	150
" "	"	"	Interest	13203	C	87 50
" "	"	"	Express	13214	B	1 25
" "	"	"	"	13216	B	4 15
" "	"	" S. Severance	Spikes	13224	34	455 46
" "	"	" Wm. Pell	Pilot	13225	16	175
" "	"	" J. Wykoff	Buggy	13226	35	25
" "	"	"	Express	13228	B	2
" "	"	" Capt. Gillespie	Str. "Cricket"	13232	36	40
" "	"	" " "	" "	13234	36	429 60
" "	"	"	Interest	13235 13236	C	112 50
" "	"	" Iowa Coal Co	Coal	13240	37	227 70
" 31	477	" Wood & Simpson	Boiler work	13243	38	132 20
" "	"	" C. H. Emerson	Sheets	13248	39	8 69
" "	"	" St. Bernard Coal Co	Coal	13250	40	270 80
" "	"	" C. S. Whitney	90 men's R. R. fare	13276	41	458 40
" "	"	" Express Co	Express	13278	B	2
" "	Ledger folio, 99	" " "	"		B	16 85
			Forward fol. 4			$12,137 42
1876.			Forward fol. 3			$12,137 42
Aug. 10	481	To W. U. Tel. Co	Telegraphing	13302	42	54 23
" "	"	" E. Fletcher	Expense to works	13323	E	30
" "	"	" Hosmer	Lumber	13325	43	83 54
" "	"	"	Express	13324	B	1 95
" "	"	"	"	13340	B	3 75
" "	"	" A. Whitney	Coal	13342	44	250 40
" "	"	"	Express	13347	B	5 50
" "	"	" R. B. Ogden	Printing	13352	45	32
" 31	483	"	Express	13358	B	1 60
" "	"	" L. J. Drake & Co	Oils	13364	46	83 42
" "	"	" C. L. Williams	Expense	13372	47	100
" "	"	"	Express	13376 13379	B	7 50
" "	"	" M. G. Kennedy	Tools	13377	47½	300 40
" "	"	" W. H. Portlock	Powder	13382	48	379 46
" "	"	"	Exchange, draft V. I. Works	13386	C	5 50
" "	"	" Galloway & Co	Oils	13397	49	15 57
" "	"	" Rice & Reid	Tools & stock	13405	50	338 54
" "	"	"	Interest	13417	C	170 83
" "	"	" C. H. Stockwell	Plows	13399	51	31
" "	"	"	Express	13400	B	1
" "	"	" C. Schmidt	Expenses	13402	A	40
" "	"	" C. S. Whitney	Cash paid at works			3,322 64
" "	"	" " "	" " P. L			10,824 48
Sept. 8	487	" S. C. Westcott	Stationery	13418	52	2 65
" "	"	" W. U. Tel. Co	Telegraphing	13420	53	36 34
" "	"	" Gilroy] S. & Co	Oils	13429	54	83 60
" "	"	" S. C. Reid	Hardware	13432	55	15
" "	"	"	Express	13462	B	2 75
" "	"	"	Envelopes	13465	A	16 40
" "	"	" J. B. Litton	Powder	13469	56	148 75
" "	"	"	Express	13453	B	3 20
			Forward fol. 5			$28,529 42

EXHIBIT B.—*Abstract of disbursements and receipts, &c.*—Continued.

Date.	G. W. journal folio.	Name.	Description.	Check.	Vou.	Amount.
1876.			Forward fol. 4			$28,529 42
Sept. 19	489	To F. Conway	Expense	13471	H	100
" "	"	"	Interest	13476	C	78 89
" "	"	"	Express	13483	B	75
" "	"	"	"	13485	B	2 75
" "	"	" W. G. Williamson	Engineering	13489	57	104 75
" "	"	"	Express	13495	B	2 75
" "	"	" E. C. Comstock	Stoves	13498	58	36
" "	"	" T. C. Smoot	Blacksmithing	13504	59	14 30
" "	"	"	Express	13508	B	75
" "	"	" Kennedy	Tools & buildings	13517	47½	900
" "	"	"	Interest	13509	C	102 16
" 26	491	" J. McCloskey	Hauling	13524	60	25 25
" "	"	"	Exchange draft V. I. Works	13529	C	4 94
" "	"	" W. H. Portlock	Powder	13537	61	204 23
" "	"	"	Express	13559	B	2
" 30	493	" Sam Davis	Expense to works	13571	A	40
" "	"	" W. U. Tel. Co	Telegraphing	13583	62	43 15
" "	"	"	Exchange { Kennedy's check sent to Washington. }	13584	C	25 70
" "	"	"	"	13585	C	4 70
Oct. 17	495	" C. S. Whitney	Amt. paid at works			757 04
" "	"	" " "	" " a/c P. L			12,217
" "	"	"	Envelopes	13596	A	16 60
" "	"	"	Exchange	13612	C	8 67
" "	"	"	Express	13613	B	1
			Forward fol. 6			$43,222 80
1876.			Forward fol. 5			$43,222 80
Oct. 6	497	To A. J. Beret	Exchange dft. 66	13615	C	10
" "	"	" B. T. Boon	" " 65	13616	C	10
" "	"	" Vulcan Iron W'ks	R. R. iron	13619	63	4,463 90
" "	"	"	Express	13627	B	1 75
" "	"	" A. Zulauf	Exchange dft. 67	13632	C	25
" 12	"	" Kennedy	Tools	13633	47½	100
" "	"	" C. L. Williams	Expense	13641		75
" "	"	"	Express	13652	B	5 50
" "	"	"	Interest	13656	C	17 40
" 23	499	"	"	13681	C	170 80
" "	"	"	"	13682	C	170 80
" "	"	" I. N. Stern & Co	Strap	13684	64	75
" 31	501	" G. Williams	Expenses	13707	G	100
" "	"	" P. Mallam	Hauling	13709	A	1 50
" "	"	" K. N. Line Pkt. Co	Freights	13719	65	2 10
" "	"	" J. L. Weakley	Exchange dft. 98	13732	C	15
" "	"	" A. Zulauf	" " 68	13734	C	20
" "	"	" J. Coffee	" " 104	13742	C	10
" "	"	" C. S. Whitney	" " 107	13744	C	15
Nov. 1	503	" J. Coffee	" " 100	13750	C	20
" "	"	" W. U. Tel. Co	Telegraphing	13749	66	41 16
18	"	" C. S. Whitney	Amt. paid at works			745 65
" "	"	" " "	" " a/c P. L			10,371 32
" "	"	" " "	" " " "			
" "	"	" " "	" " " "			
" "	"	" I. N. Pearce		13768	67	25
" "	"	"	Exchange dft. 101	13771	C	15
" "	"	"	" " 97	13772	C	20
13	"	" C. S. Whitney	Trip to St. G. for tools	13796	A	20
" "	"	"	Interest	13792	C	105
" "	"	"	Express	13815	B	5
" "	"	" C. L. Williams	Expenses	13822	D	75
" "	"		Express	13827	B	2 50
			Forward fol. 7			$59,699 78
1876.			Forward fol. 6			$59,699 78
Nov. 23	509	To Wells, T. & Co	Towing	13856	68	1,841 70
" 29	513	" G. Williams	Expenses	13901	B	100
" "	"	" T. G. Frazier	Exchange dft. 134	13904	C	20
" "	"	" St. Louis Tent Co	Tents	13915	69	117
Dec. 7	515	" W. U. Tel. Co	Telegraphing	13923	70	36 54
" "	"	"	Interest	13929	C	25 83
" "	"	" J. W. Kelley	Exchange dft. 109	13931	C	5 13
" "	"	" R. B. Ogden	Books, &c	13935	71	83 75
18	517	"	Interest	13971	C	52 50

EXHIBIT B.—*Abstract of disbursements and receipts, &c.*—Continued.

Date.	G. W. journal folio.	Name.	Description.	Check.	Vou.	Amount.
1876.						
Dec. 18	517	To R. B. Ogden	Exchange dft. 164, 165	13982	C	$0 40
" "	"	"	Express	13994	B	7 50
" "	"	" C. D. Phelps & Co	Carpets, &c	14002	72	48
" "	"	"	Exchange dft. 181	A 11	C	20
" 26	519	"	Express	" 23	B	50
" "	"	" Westlake & Button	Derricks, &c	" 25	73	810 94
" "	"	"	Exchange dft. 178	" 27	C	20
" "	"	" Vulcan Iron W'ks	R. R. iron	" 32	63	1, 069 75
" "	"	"	Exchange dft. 192	" 48	C	20
" 30	521	" P. L., Keokuk	Pay list, July			296 35
" "	"	" "	" " Aug			250
" "	"	" "	" " Sept			250
" "	"	" "	" " Oct			250
" "	"	" "	" " Nov			250
" "	"	" "	" " Dec			250
" "	523	"	Exchange dft. 173	A 64	C	20
1877.						
Jan. 6	527	" W. U. Tel. Co	Telegraphing	" 73	74	29 96
" "	"	"	Interest	" 92	C	170 83
" "	"	"	Stamps	" 95	A	1
" 23	533	"	Revenue stamps	"129	A	1
" "	"	"	Express	"144	B	1 80
" "	"	"	Interest	"155	C	155
" "	"	" G. Williams	Expenses	"130	G	125
" "	"	" T. W. & W. R. R	Freight on castings	"150	A	21 82
			Forward fol. 8			$65, 955 08
1877.			Forward fol. 7			$65, 955 08
Jan. 23	535	"	Exchange dfts. 194, 216, 214	A 169	C	45
" "	"	" M. G. Kennedy	Tools	" 179	74½	863 40
" "	"	"	Express	" 183	B	6 55
" "	"	"	Interest	" 187	C	140 42
" "	"	"	Express	14005	B	3
" "	"	" C. Shoeber & Co	Stamped ck. books	14010	75	98 50
" "	"	" Sutton, R. & Co	Foundry work	14019	76	28 24
" "	"	"	Exchange dft. 288	14024	C	15
" "	"	"	Interest	A 180	C	2 78
" 31	539	"	"	14031	C	170 85
" "	"	" W. N. Sturges	"	14034	C	346 94
Feb. 9	541	" W. U. Tel. Co	Telegraphing	14055	77	18 58
" "	"	" G. Williams	Expenses	14060	G	150
" "	"	" Odom & Porter	Exchange dft. A. W	14089	C	20
" "	"	"	Express	14095	B	1 25
" 15	543	"	Exchange dft. 321	14139	C	15
" 17	545	" Brownell & Co	Stationery	14145	78	11
" "	"	" M. G. Kennedy	Tools	14148	74½	700
" "	"	" " "	"	14149	74½	309
" "	"	"	Express	14152	79	8 90
" 28	549	" Vulcan Iron W'ks	R. R. iron	14163	63	943 82
" "	"	" " " "	"	14165	63	42 67
" "	"	"	Interest	14167	C	170 83
" "	"	"	"	14171	C	61 65
" "	"	"	Express	14174	B	5
" "	551	"	Interest	14179	C	170 83
" "	"	"	"	14184	C	77 50
" "	"	"	Express	14188	B	1 20
" "	553	" C. S. Whitney	Amt. pd. at works			5, 552 33
" "	"	" " "	" " ⅔ P. L			33, 878 64
" "	554	" " "	" " at works	13931		477 60
			Forward fol. 9			$110, 196 51
1877.			Forward fol. 8			$110, 196 51
Mch. 8	555	To W. U. Tel. Co	Telegraphing	14198	80	36 74
" "	"	"	Exchange dft. 341, 342	14200	C	20
" "	"	" Wells, T. & Co	Towing	14202	68	1, 000
" "	"	"	Moving engines	14205	A	14 70
" "	"	" G. Williams	Expenses	14206	G	100
" "	"	" Westlake & Button	Tools	14233	81	104 44
" "	"	"	Interest	14236	C	4 30
" "	"	"	Loading engine	14238	A	4 20
" 15	557	" S. T. Worley	Blacksmithing	14254	A	2 75
" "	"	" R. B. Ogden	Printing	14250	82	91
" "	559	" Sutton, R. & Co	Foundry work	14285	83	6 60

EXHIBIT B.—*Abstract of disbursements and receipts, &c.*—Continued.

Date.	G. W. journal folio.	Name.	Description.	Check.	Vou.	Amount.
1877.						
Mch. 8	559	To White & Windham..	Exchange dft. 285.....	14291	C	$2 10
" "	"	"	Express	14294	B	2 30
" "	"	"	Exchange U. S. ck.....	14295	C	22 25
" "	"	"	Express	14303	B	75
" "	"	"	"	14305	B	5
" "	"	" G. Williams.....	Expenses	14308	G	25
" "	"	"	Exchange dft. 441.....	14309	C	25
" 31	563	" Westlake & Button..	Tools	14648	84	735 62
" "	"	" Vance & Kirby.....	Exchange dft. 293.....	14327	C	18 30
" "	"	"	Sundries.....	14337	A	13
" "	"	" D. Kirkpatrick.....	Exchange A. W. dft.....	14338	C	20
" "	"	"	Interest.....	14343	C	5
" "	"	"	Exchange dft. 259.....	14346	C	20
" "	"	" O. M. Ladd & Co....	Interest	14351	C	356 25
" "	"	"	"	14367	C	12 50
" "	"	" G. Williams.....	Expenses.....	14332	A	4
" "	"	" " "	"	14334	G	50
			Forward fol. 10	.....	.....	$112, 814 16
1877.			Forward fol. 9.....	.....	.....	$112, 814 16
Apl. 21	569	To	Express	14457	B	7 50
" "	"	" C. B. & Q. R. R	Freight.....	14462	85	6
" "	"	"	Interest.....	14475	C	175 43
" "	"	" W. U. Tel. Co	Telegraphing	14369	86	36 98
" "	"	"	Team	14399	A	2 75
" "	"	" G. Williams.....	Expenses	14416	G	35 50
" "	"	" " "	"	14418	G	10 25
" "	"	" W. N. Sturges	Interest	14424	C	306 67
" "	"	" H. Channon & Co ...	Wire rope.....	14425	87	166 75
" "	"	"	Interest.....	14447	C	136 67
" "	"	"	Post-office	14455	A	16
" 22	571	" C. S. Whitney.....	Amt. paid at works.....	.....	.....	3, 655 58
" "	"	" " "	" " a/c P. L.....	.....	.....	23, 905 77
" 30	573	"	Interest	14490	C	5
" "	"	"	Hauling	14509	A	9
" "	"	"	Labor	14512	A	1 05
May 7	575	" W. U. Tel. Co.....	Telegraphing	14517	88	34 71
" "	"	"	Interest	14523	C	7 50
" "	"	" Andrus, L. & Co....	Foundry work.....	14529	89	11
" "	"	" G. Williams.....	Expenses	14550	G	75
" "	"	" C. L. Williams	"	14557	D	69
" "	"	" Packet Co	Freight	14565	90	22 50
" "	"	" Sample, McE. & Co .	Foundry work	14563	91	346 42
" 17	577	"	Interest.....	14569	C	170 83
" "	"	" P. Mullen.....	Hauling	14573	A	1
" "	"	"	Express	14580	B	6 90
" "	"	"	Post-office	14581	A	16 50
" "	"	"	Interest	14597	C	52 50
" "	"	"	Exchange dft. 588.....	14603	C	20
			Forward fol. 11	.....	.....	$142, 103 12
1877.			Forward fol. 10	.....	.....	$142, 103 12
May 17	579	To G. Williams	Expenses.....	14610	G	50 40
" "	"	"	Express	14611	92	1
" "	"	" E. H. Harrison	Interest	14634	C	70
" "	"	"	"	14638	C	7 50
" "	"	"	"	14652	C	51 66
" "	"	" G. Williams	Expenses.....	14643	G	100
" 31	581	"	Interest	14655	C	5
" "	"	"	"	14658	C	77 50
" "	"	"	"	14671	C	170 85
June 2	582	" R. B. Ogden	Printing.....	14682	93	42 60
" 4	"	" Sutton & Co.....	Foundry work.....	14686	94	2 55
" 5	"	" C. L. Williams.....	Expenses	14697	D	75
" 6	"	"	Express	14706	B	1 55
" 7	"	"	Interest	14708	C	5 50
" 11	"	" Jas. Douglas	Exchange dft. 594.....	14719	C	1 15
" 12	"	"	" " 530.....	14726	C	31 25
" 14	"	" Kirkpatrick.....	Boats for coal.....	14740	95	50 25
" 16	"	" H. Channon	Wire rope	14749	96	108
18	"	"	Interest U. S. ck	14750	C	29 60
19	"	" Wells, T. & Co.....	Str. "Cricket"	14755	97	100
"	586	"	Interest	14769	C	7 50

EXHIBIT B.—*Abstract of disbursements and receipts, &c.*—Continued.

Date.	G. W. journal folio.	Name.	Description.	Check.	Vou.	Amount.
1877.						
June 19	586	To M. Cahill	Exchange	14770	C	$2 62
" 21	"	"	Express	14776	B	1 50
" 22	"	"	Exchange dft. 641	14778	C	20
" "	"	"	Interest	14783	C	170 83
" 25	588	"	"	14804	C	4
" 26	"	"	"	14808	C	170 83
" "	"	"	Express	14817	B	5 00
			Forward fol. 12			$143,446 96
1877.			Forward fol. 11			$143,446 96
July 1	594	To W. C. Stripe	Engineering	14832	98	20
" "	"	" G. Williams	Expenses	14833	G	75
" 2	"	" W. U. Tel. Co	Telegraphing	14839	99	39 87
" "	"	"	Interest	14843	C	7 50
" 5	"	" R. B. Ogden	Printing	14852	100	70
" 7	"	" Westlake & Button	Tools	14868	101	80 80
" 9	596	" Sample, McE. & Co	Foundry work	14885	102	29 86
" 10	"	"	Exchange dft. 736	14894	C	70
" 11	"	"	" " 595	14901	C	2 72
" 12	"	" G. Williams	Expenses	14905	G	25
" 14	598	"	Express	14914	103	1 40
" "	"	" Hagny	Harness	14918	104	31 15
" 16	"	"	Interest	14935	C	30 53
" 17	"	" C. L. Williams	Expenses	14946	D	75
" 20	600	" Sam. Davis	Expense to works	14961	A	20
" 26	"	" G. Williams	Expenses	14977	G	51 92
" "	"	"	Exchange dft. 759	14978	C	50
" "	"	"	Interest	14980	C	9 00
" 31	"	"	Express	14989	B	1
" "	"	"	Interest	14990	C	60 82
		Kirkpatrick & Co	Boats for coal	A 122	105	198 16
		Comstock Stove Works.	One boiler	" 125		
" "	602	" Express Co	Charges	" 126		
" "	"	" Wilkinson, B. & Co	Cross entry	13908		65
" "	"	" Vulcan Iron Works	R. R. iron	13381	63	4,943 08
" "	"	" Sample, McE. & Co	Foundry work	14563	91	50
" "	"	"	T. R. Stove		106	187 86
" "	604	" C. S. Whitney	Amt. pd. at works			8,327 81
" "	"	" " "	" " ⅘ P. L.			39,546 25
Aug. 1	606	" W. U. Tel. Co	Telegraphing	14996	107	30 05
" 3	"	"	Exchange dft. 741	15000	C	25
" 6	"	" Sutton & Co	Foundry work	15012	94	9 96
" 9	"	" Westlake & Button	Tools	15041	108	90 20
			Forward fol. 13			$197,478 85
1877.			Forward fol. 12			$197,478 85
Aug. 9	608	To	Interest	15046	C	20
" "	"	"	"	15047	C	7 42
" 11	"	" G. Williams	Expenses	15053	G	75
" 13	"	" Brown	Interest	15067, 15068	C	30
" 17	"	"	Interest	15084	C	103 33
" 18	610	"	"	15096	C	3 20
" "	"	" C. L. Williams	Expenses	15098	D	10
" 23	"	" G. Williams	"	15107	G	39 50
" 24	"	"	Interest	15111	C	7 50
" 25	"	"	"	15118	C	170 83
" 27	"	" Sutton & Co	Foundry work	15125	94	39 30
" "	612	"	Interest	15129	C	258 34
" 30	"	"	"	15136	C	12 75
" "	"	"	"	15137	C	102 50
" 31	"	" T. Ford & Co	Tools	15140	109	50
" "	618	" P. L. Keokuk	P. L. special, Jan., Feb., Mch., Apl., May, June, July, Aug.			2,000
Sept. 10	C 2	" W. U. Tel. Co	Telegraphing	15142	110	30
" 8	"	"	Interest	15172	C	170 83
" 12	"	"	"	15195	C	7 50
" "	"	" W. C. Stripe	Engineering	15198	98	43 71
" 17	6	"	Int. & exchange dft. 754	15223	C	26 95
" "	"	" C. L. Williams	Expenses	15227	D	50
" 18	"	"	Express	15228	B	75
22	"	"	Interest	15239	C	18 35

EXHIBIT B.—*Abstract of disbursements and receipts, &c.*—Continued.

Date.	G. W. journal folio.	Name.	Description.	Check.	Vou.	Amount.
1877.						
Sept. 24	6	To	Interest	15241	C	$30
" "	"	"	"	15244	C	30 85
" 28	8	"	Stamps	15254	A	3
" 29	"	" C. L. Williams.....	Expenses	15263	D	61 80
" "	"	" C. S. Whitney	Amt. pd. at works.....	.....	.....	3, 898 60
" "	"	" " "	" " a/c P. L.....	.....	.....	20, 763 20
Oct. 1	"	"	Interest	.....	C	45 83
" "	"	" W. U. Tel. Co.....	Telegraphing	.....	111	45 93
			Forward fol. 14.....	.....	.....	$225, 635 82
1877.			Forward fol. 13.....	.....	.....	$225, 635 82
Oct. 5	14	To W. C. Stripe	Engineering	15300	98	36 29
" 6	"	"	Exchange dft. 877.....	15302	C	50
" "	"	" H. Buel & Co.....	Hardware	15303	112	22 75
" "	"	"	Interest dft. C. S. W.....	15315	C	5
" "	"	"	Exchange	15316	C	2 91
" "	"	"	" dft. 874.....	15317	C	20
" 8	16	" T. Ford & Co	Tools	15329	113	80 71
" 9	"	" Vance & Kirby.....	Interest dft. 793.....	15333	C	7 42
" 16	18	" E. H. Harrison	Interest	15363	C	52 50
" "	"	" " "	"	15364	C	50
" "	"	"	"	15365	C	10
" 18	"	" G. Williams	Expenses	15378	G	50
" 19	"	" E. H. Harrison	Interest	15389	C	3 67
Nov. 25	39	" C. S. Whitney	Amt. pd. at works.....	.....	.....	3, 041 99
" "	"	" " "	" " a/c P. L.....	.....	.....	14, 190 30
Oct. 23	20	" C. L. Williams.....	Expenses	15407	D	34
" "	"	"	Interest	15410	C	34 17
" "	"	"	"	15411	C	15
" "	"	" G. Williams	Expenses	15414	G	25
" "	"	"	Interest	15427	C	170 83
" 31	22	"	"	15442	C	15
" "	"	"	"	15443	C	10
" "	"	" W. U. Tel. Co.....	Telegraphing	15448	115	26 87
Nov. 1	26	"	Exchange.....	15452	C	70
" "	"	" C. L. Williams.....	Expense, bal. from ck. 15407..	15457	D	10
" 2	"	"	Post-office	15459	A	16 40
" 3	"	"	Interest	15466	C	170 83
" 5	"	"	"	15473	C	129 17
			Forward fol. 15.....	.....	.....	$243, 838 13
1877.			Forward fol. 14	.....	.....	$243, 838 13
Nov. 6	28	To sample, McE. & Co ..	Foundry work	15494	116	7 59
" 7	"	"	Interest	15500	C	17 49
" "	"	"	"	15501	C	50 40
" "	"	"	"	15503	C	4 25
" "	"	"	Post-office	15504	A	3
" 13	30	"	Exchange dft. 948	15539	C	15
" 10	"	"	" " 794	15528	C	35 20
" 17	32	" C. L. Williams	Expenses	15560	D	50
" 21	"	"	Interest	15575	C	70
" 26	34	" J. O. Vance	Tools	15593	117	35
" 30	"	"	Interest	15612	C	1 70
" "	"	"	"	15613	C	4 45
Dec. 1	36	" W. U. Tel. Co	Telegraphing	15625	118	11 17
" 3	"	" sample, McE. & Co ...	Foundry work	15648	116	24 80
" 5	42	" Vance & Kirby	Exchange dft. 895.....	15671	C	6 35
" 13	46	"	Interest	15722	C	2 50
" "	"	" G. Williams.....	Expenses	15727	G	75
" "	"	"	Interest	15756	C	4 59
" 19	48	"	"	15763	C	3 61
" 20	"	"	"	15767	C	2 25
" "	"	"	"	15770	C	5
" "	"	"	"	15774	C	52 50
" "	"	"	"	15782	C	5
" "	"	"	Exchange dft. 872	15790	C	6 75
" 28	50	"	Interest	15807	C	20
" "	"	"	Exchange.....	15809	C	1
" "	"	" G. Williams	Expenses	15811	G	61 40
" 31	"	"	Interest	15814	C	2 60
" "	"	"	"	15817	C	30 15
"	"	" P. L., Keokuk	P. L., Sept., Oct., Nov., Dec...	.....	.....	1, 000
			Forward fol. 16	.....	.....	245, 432 03

EXHIBIT B.—*Abstract of disbursements and receipts, &c.*—Continued.

Date.	G. W. journal folio.	Name.	Description.	Check.	Vou.	Amount.
1878.			Forward fol. 15			$245,432 03
Jan. 2	56	To W. U. Tel. Co	Telegraphing	15822	119	47 75
" "	"	" P. Lorson	Exp. to works	15825	A	20
" 5	"	"	Telegram	15845	A	50
" "	"	" W. Cement Co	"	15846	120	75
" "	"	"	Interest	15848	C	1 40
" "	"	"	"	15850	C	89
" 8	"	"	"	15861	C	38 75
" 14	58	" G. Williams	Expenses	15893	G	100
" 15	"	"	Express	15899	B	1
" 28	59	" R. B. Ogden	Printing	15929	121	18 54
" 29	"	" G. Williams	Expenses	15937	G	100
" "	"	" R. B. Ogden	Printing	15943	121	1 21
" "	"	"	Express	15944	B	3 75
Feb. 1	61	" G. Williams	Expenses	15952	G	100
" "	"	" W. U. Tel. Co	Telegraphing	15953	122	23 79
" "	"	" C. L. Williams	Expenses	15966	D	75
" 13	62	"	Exchange dft. 947	16009	C	1 50
" 14	"	"	Interest	16016	C	3 42
" "	"	" Andrus, L. & Co	Foundry work	16018	123	3 93
" 19	63	" W. B. Gaw	Expense	16033	A	20
" "	"	"	Exchange dft. 1113	16037	C	20
" "	"	"	Express	16045	B	1 65
" "	"	" G. Williams	Expenses	16049	G	100 00
" "	"	"	Express	16053	B	1 85
" 26	65	" J. M. Stoddart & Co	Book on engineering	16061	124	3
" "	"	"	Interest	16064	C	15
" 9	"	" C. S. Whitney	Amt. pd. at works			2,940 79
" "	"	"	" " a/c P. L			22,198 93
			Forward fol. 17			$271,255 63
1878.			Forward fol. 16			$271,255 63
Mch. 2	66	To W. U. Tel. Co	Telegraphing	16078	125	17 42
" "	"	"	Express	16086	B	2 35
" 4	"	" Sutton & Co	Foundry work	16087	126	19 50
" 5	"	"	Exchange dft. 1121	16094	C	20
" 6	"	"	" " 1084, 1085, 1116	16095	C	25
" 7	"	"	Telegram	16097	A	85
" 8	"	"	Express	16099	B	90
" 9	67	"	Exchange dft. 1137	16102	C	20
" "	"	"	" " 1133, 1139	16106	C	40
" 12	"	" G. Williams	Expenses	16112	G	100
" 13	"	"	Exchange dft. 1087	16114	C	15
" 18	64	"	Error in charge		127	7 44
" 21	68	"	Interest	16144	C	5
" 22	"	" G. Williams	Expenses	16150	G	100
" 26	"	"	Exchange dft. 1167, 1172	16161, 16162	C	40
" 27	69	"	" " 1161, 1173	16166	C	20
" 30	"	" G. Williams	Expenses	16180	G	50 35
" "	"	"	Exchange dft. 1178	16181	C	20
" '	"	" P. L., Keokuk	Jany., P. L.			250
Apl. 1	71	" R. B. Ogden	Printing	16184	128	19 50
" "	"	" W. U. Tel. Co	Telegraphing	16185	129	54 89
" "	"	"	Exchange dft. 1174	16186	C	20
" 2	"	"	" " 1143, 1168	16188	C	20
" "	"	"	" " 1147	16189	C	20
" 4	"	"	" " 1186	16195	C	20
" 5	"	"	" " 1200, 1239, 1241	16197	C	20
			Forward fol. 18			$271,886 83
1878.			Forward fol. 17			$271,886 83
Apl. 6	72	To	Exchange dft. 1204	16200	C	20
" 8	"	"	" " 1205	16206	C	15
" "	"	" G. Williams	Expenses	16208	G	100
" "	"	"	Exchange dft. 1194, 1195	16212	C	20
" 9	"	"	" " 1175, 1185	16215	C	15
" 10	"	"	" " 1183	16220	C	15
" 12	"	"	Interest	16224	C	51 67
" 15	73	"	Exchange dft. 1123, 1182, 1229	16231	C	15
" 19	"	"	Interest	16245	C	2 30
" "	"	"	Telegram	16246	A	1 15
" 20	"	" I. N. Pearce &	Gate City	16247	130	20 95
" "	74	"	Interest	16250	C	7 90
" "	"	" C. L. Williams	Expenses	16251	D	75

EXHIBIT B.—*Abstract of disbursements and receipts, &c.*—Continued.

Date.	G. W. journal folio.	Name.	Description.	Check.	Vou.	Amount.
1878.						
Apr. 23	74	To	Exchange dft. 1209, 1210.....	16253	C	$0 15
" "	"	"	Interest	16254	C	5 00
" 24	"	"	Exchange dft. 1211.....	16257	C	15
" 25	"	"	" " 1248.....	16263	C	15
" "	"	"	" " 1228, 1241, 1243	16265	C	15
" 27	"	"	" " 1242.....	16269	C	20
" 29	"	"	" " 1252, 1253.....	16276	C	20
" "	"	" Vance & K.....	Telegram	16277	131	1 10
" 30	"	"	Exchange dft. 1256.....	16279	C	15
" "	"	" G. Williams.....	Tickets	16281	G	46
" "	"	"	Expenses	16282	G	30
			Forward fol. 19.....	.....	.....	$272, 230 05
1878.			Forward fol. 18	.....	.....	$272, 230 05
May 1	76	To Roberts, D. & B	Expense to works.....	16288	A	60
" "	"	"	Interest	16291	C	2 10
" "	"	"	Express	16292	B	2
" 2	"	" W. U. Tel. Co.....	Telegraphing	16293	132	51 66
" "	"	" " "	"	16294	132	10 44
" "	"	"	Interest.....	16297	C	5 50
" 4	"	"	Envelopes	16305	A	16 40
" "	"	"	Exchange dft. 1244	16307	C	25
" 6	"	"	" " 1265	16308	C	15
" 7	"	" G. Williams	Expenses	16315	G	100
" "	"	"	Interest	16316	C	77 50
" 8	77	"	Exchange	16318	C	15
" "	"	"	" dft. 1266, 1272	16323	C	20
" "	"	"	Discount & exchange dft. 1197	16324	C	10 37
" 11	"	"	Interest	16336	C	4 58
" 13	"	"	Exchange dft. 1227	16339	C	15
" "	"	"	Express	16341	B	75
" "	"	"	Exchange dft. 1273	16342	C	25
" 15	"	"	" " 1264	16347	C	15
" 16	78	"	" " 1249, 1282.....	16349	C	20
" "	78	"	Interest	16350	C	170 83
" "	"	"	"	16351	C	4 58
" "	"	"	Exchange dft. 1245	16352	C	25
" 18	"	"	Interest	16362	C	75
" 20	"	" G. Williams	Expenses	16364	G	100
" 21	"	"	Express	16367	B	1 35
" 22	"	"	Interest	16368	C	103 33
" "	"	"	Exchange dft. 1279, 1286, 1293.	16369	C	15
" 23	"	"	" " 1236, 1258, 1276	16372	C	25
			1281.			
" "	"	"	Interest	16375	C	5
			Forward fol. 20.....	.....	.....	$272, 959 34
1878.			Forward fol. 19.....	.....	.....	$272, 959 34
May 24	79	To	Interest	16375	C	5
" 25	"	"	Exchange dft. 1275	16379	C	15
" 27	"	"	Exchange dft. 1295, 1303	16385	C	35
" "	"	" C. L. Williams.....	Expenses	16386	D	100
	"	"	Interest	16387	C	155
	"	"	Exchange dft. 1237	16388	C	10
	"	" G. Williams	Expenses	16389	G	57
	30	"	Express.....	16396	B	1 10
June 3	81	"	Interest.....	16400	C	1
" "	"	"	Exchange. Speed dft.....	16402	C	2
" "	"	" C. L. Williams.....	Expenses	16404	D	50
4	"	" W. U. Tel. Co.....	Telegraphing	16408	133	44 44
"	"	"	Exchange dft. 1315	16409	C	70
"	"	"	Interest	16409	C	5
"	"	"	Exchange dft. 1307, 1310.....	16410	C	15
"	"	"	" " 1259, 1301.....	16412	C	10
6	"	"	" " 1291, 1305, 1309, 1316, 1317.	16416	C	60
7	"	"	" " 1213, 1302, 1321.	16417	C	35
8	82	"	" " 1148, 1150.....	16420	C	2 70
"	"	"	Interest	16422	C	1
10	"	" Vance & K.....	Telegram	16424	A	50
"	"	"	Exchange dft. 1080	16426	C	20
"	"	"	" " 1187	16427	C	60
14	"	"	" " 1285	16431	C	10
"	"	"	" " 1337	16432	C	15

EXHIBIT B.—*Abstract of disbursements and receipts, &c.*—Continued.

Date.	G. W. journal folio.	Name.	Description.	Check.	Vou.	Amount.
1878.						
June 15	82	To	Express	16435	B	$1
" "	"	"	Exchange dft. 1338	16438	C	15
" "	"	"	Interest	16439	C	299 45
" "	"	"	"	16441	C	1 55
			Forward fol. 21	.....	.....	$273,689 78
1878.			Forward fol. 20	.....	.....	273,689 78
June 8		To C. S. Whitney	Amt. pd. by works	.....	.....	3,590 46
" "		" " "	" " ac. P. L	.....	.....	25,952 82
" 17	84	"	Exchange dft. 1164	16450	C	4 05
" 19	"	"	Interest	16457	C	34 17
" "	"	"	Exchange dft. 1330	16459	C	15
" 20	"	"	" " 1329, 1332	16465	C	15
" 22	"	"	" " 1346	16473	C	20
" "	"	" G. Williams	Expenses	16474	G	125
" 25	85	"	Exchange dft. 1305, 1339, 1340, 1353.	16477	C	20
" "	"	"	" " 1345	16479	C	20
" 26	"	"	Interest	16480	C	5
" "	"	"	"	16481	C	5
" "	"	"	"	16483	C	51 25
" 28	"	"	Exchange dft. 1344	16486	C	20
" 29	"	"	Interest	16491	C	34 75
" "	"	"	"	16492	C	34 17
July 1	87	"	"	16497	C	27 50
" "	"	"	Exchange U. S. Check	16498	C	15 54
" "	"	"	" dft. 1289, 1314, 1335 1350.	16500	C	90
" "	"	" W. U. Tel. Co	Telegraphing	16502	134	47 96
" 2	"	"	Exchange.	16504	C	35
" 5	"	"	" dft. 1360	16512	C	40
" "	"	"	Interest	16514	C	170 83
" "	"	"	"	16515	C	170 83
" "	"	" Wm. Roberts	Express	16517	A	25 37
" "	"	" C. L. Williams	Expenses	16518	D	75 00
" 6	"	"	Interest	16521	C	5
			Forward fol. 22	.....	.....	$304,067 23
1878.			Forward folio 21	.....	.....	$304,067 23
July 8	86	To	Exchange dft. 1327	16522	C	10
" 9	"	"	Express	16528	B	1 10
" 10	"	"	Exchange dft. 1224	16531	C	35
" "	"	"	Interest	16532	C	6 90
" 11	"	"	Exchange dft. 1357	16535	C	20
" 27	"	"	" " 1259, 1510	Admr. 2	C	20
" "	"	"	Interest	6	C	5 00
Aug. 5	90	"	Exchange dft. 1511	21	C	20
" 6	"	"	" " 1523	22	C	15
" "	"	" W. U. Tel. Co	Telegraphing	24	135	93 35
" 7	91	"	Interest	27	C	27 50
" 8	"	"	Exchange dft. 1525	31	C	15
" "	"	"	" " 1349	32	C	20
" 9	"	"	" " 1516, 1528	33	C	40
" "	"	"	Interest	34	C	2 50
" 10	"	"	Exchange dft. 1252, 1529	39	C	20
" "	"	"	" " 1217, 1507, 1519.	40	C	20
" "	"	" C. L. Williams	Expenses	42	D	75
" 29	"	"	Express	45	B	11 10
" "	"	" C. L. Williams	Expenses	47	D	30 02
" "	92	"	Exchange sund. dfts	52	C	3 90
" "	"	"	Interest	53	C	10 27
" "	"	"	"	53	C	5
" "	"	"	Prot. fees. dft. 1314	56	C	3 56
" "	"	"	" " sund. dfts	58	C	35 48
" "	"	"	Interest	60	C	26 66
" 30	"	"	"	63	C	9
" "	"	"	Prot. fees 1512, 1515	67	C	7 40
" "	"	"	Express	69	B	2 40
" "	"	"	Interest	72	C	4 68
" 31	"	"	Prot. fees dft. 1533, 1542	81	C	3 46
" 3	88	"	Interest	.....	C	628 85
			Forward fol. 23	.....	.....	$305,062 71

EXHIBIT B.—*Abstract of disbursements and receipts, &c.*—Continued.

Date.	G. W. journal folio.	Name.	Description.	Check.	Vou.	Amount.
1878.						
1878.			Forward fol. 22			$305,062 71
Sept. 2	95	To	Exchange dft. 1540	87	C	15
" 3	"	"	Interest	92	C	200
" "	"	" W. U. Tel. Co	Telegraphing	94	137	49 96
" 4	"	"	Express	97	B	1 25
" "	"	"	Prot. fees sund. dfts	98	C	3 65
" 5	"	"	" " dft. 1537	101	C	3 56
" "	"	"	Exchange " 1530	102	C	75
" 7	"	"	Interest	104	C	2 78
" "	"	"	Prot. fees sund. dfts	105	C	6 57
" 10	"	"	Interest	109	C	1 38
" 11	96	"	Exchange dft. 1561	112	C	20
" 13	"	"	Prot. fees sund. dfts	114	C	15 10
" 16	"	"	" " 1532, 1555	124	C	2 56
" 20	"	"	Freight	141	139	3 05
" "	"	"	Interest	143	C	500
" 21	"	"	"	145	C	12 92
" 23	"	"	"	149	C	10 41
" 30	"	"	"	157	C	103 31
" "	"	"	"	134	C	16 50
" "	97	" C. S. Whitney	Amt. pd. by works			2,183 12
" "	"	" " "	" " a/c P. L.			20,370 10
Oct. 1	102	" L. D. Springer	Sundries	161	140	8 78
" 3	"	" W. U. Tel. Co	Telegraphing	168	141	6 95
" "	"	"	Interest	171	C	77 50
" 5	"	" Sutton & Co	Foundry work	175	142	32 60
" "	"	"	Interest	177	C	170 83
" "	"	"	"	178	C	63 33
" "	"	"	"	178	C	66 66
			Forward fol. 24			$328,976 68
1878.			Forward fol. 23			$328,976 68
Oct. 26	103	To T. Bowden & Son	Machinery	208	144	4 75
" "	"	"	Interest	209	C	34 17
" 28	"	" J. W. Bishop	Expense	212	A	2 40
Nov. 2	"	"	Interest	218	C	31 95
Nov. 9	105	"	"	230	C	130 55
" 9	"	"	"	230	C	129 16
" 14	"	"	Prot. fees dft. 1534	235	C	3 25
" 19	"	"	Interest	241	C	11 11
" 19	"	"	"	241	C	68 33
Dec. 11	107	"	"	256	C	77 50
Dec. 26	"	"	Exchange dft. 1331	265	C	2 43
" 31	108	" Vulcan Iron Works	R. R. Iron	14476	63	3,000 00
" "	"	" Westlake & B	Interest	14648	C	12 88
" "	109	" Sample, McE. & Co	Foundry work	12906	145	73 53
" "	"	" " "	" "	13434, 13989, 14690	146	210 41
" "	"	" Jno. Van Dyke	Barge	12965	147	325
" "	"	" Holesapple	"	12757	148	205
" "	"	" Westlake & B	Tools	13064	149	65 65
" "	"	" H. Buel & Co	Hardware	13392	150	161 40
" "	"	" Reese, G. & W	Splices	13197	151	211 76
" "	"	" R. S. Owens	Coal	13061	152	39 05
" "	"	" Str. "Dan. Huir"	Towing	13569	153	415
" "	"	" Brownell & Co	Stationery	13210	154	30 15
" "	"	" Rix & Stafford	Iron	13443, 13444	155	140 62
" "	"	" J. A. Duncan	Bed	12815	156	40 90
" "	"	" Oldenburgh	Skiff	12977	157	42 50
" "	"	" Anderson	Skiff hire	13110	158	1 75
" "	"	" Andrus, L. & Co	Foundry work	13438	159	11 00
" "	"	" K. N. Line Pkt. Co	Freights	14792	160	2 20
" "	"	" H. Buel & Co	Hardware	14117	161	29 33
" "	"	" Str. "Cricket"	Towing	12673	162	75
" "	"	" Eagle Pkt. Co	Towing	15153	163	55
			Forward fol. 25			$334,620 41

1879.		Forward fol. 24				$334,620 41
Jan. 13	Interest	Sept. 3d, 1878, to date	$4,000			146 66
" "	"	Oct. 1st, 1878, to date	7,500			216 66
" "	"	Nov. 1st, 1878, to date	1,000			20 27
" "	"	Sept. 20th, 1878, to date	7,000			223 61
" "	"	June 18th, 1878, to date	3,000			174 16
" "	"	Oct. 16th, 1877 to Nov. 5th, 1878	3,000			320 82
" "	"	Nov. 5th, 1878, to date	2,000			38 33
" "	"	June 15th, 1878, to date	3,500			206 11
" "	"	Aug. 30th, 1878, to date	750			28 33
	Payments from C. S. Whitney's books "House Expense,"		fol. 390			683 72
	" " " "	" " "	" 392			95 14
	" " " "	" " "	" 393			101 46
	" " " "	material furnished Works from store				
		fol. 530				619 55
						$337,495 23

(Across the face of the above:) Amount of interest (on outstanding indebtedness bearing interest) to January 13th, 1879 (date of act for the relief of the legal representatives of George Williams), not heretofore charged in the account, as per voucher "J."

Abstract of disbursements and receipts on account of Muscle Shoals Canal, &c.—Continued.

Date.	Name.	Description.	Voucher.	Amount.
1876.				
July 31	By estimate		479	1,406 25
" "	" cash	Lumber Eng. corps	"	52 13
Aug. 7	" estimate		485	2,146 50
" 10	" "		"	3,533 70
Sept. 8	" "		493	8,281 29
Oct. 6	" "		503	3,114 52
Nov. 7	" "		511	7,057 70
Dec. 12	" "		521	3,926 39
" 22	" "		521	1,262 39
1877.				
Jan'y 18	" "		537	3,850 39
" 19	" "		"	3,591 23
Feb. 12	" "		545	4,707 90
" 26	" "		551	1,171 77
Mch. 12	" "		561	5,130 01
" "	" "		"	8,914 50
Apl. 10	" "		569	13,717 75
" 6	" "		"	648 96
May 8	" "		581	7,458 36
" 18	" cash		"	25
June 11	" estimate		589	8,396 68
" 25	" "		"	6,092 41
July 7	" "		615	16,275 87
" "	" cash est		"	25
" 16	" estimate		"	3,469 05
" 27	" "		"	3,551 92
Aug. 4	" "		"	3,114 53
" 17	" "		"	3,132 90
" 24	" "		"	5,089 50
Sept. 7	" "		9	4,123 89
" 14	" "		"	2,035 80
" 25	" "		"	1,000 00
	Forward fol. 29			$136,304 20
1877.	Forward fol. 28			$136,304 20
Oct. 1	By estimate		25	2,061 80
" 8	" "		"	5,174 46
" 15	" "		"	3,245 40
" 24	" "		"	3,734
Nov. 2	" "		37	10
" 6	" "		"	5,753 70
" 14	" "		"	2,107 80
Dec. 3	" "		53	4,402 80
" 10	" "		"	3,213
" 26	" "		"	3,150 00
" 31	" "		"	2,561 40

Abstract of disbursements and receipts on account of Muscle Shoals Canal, &c.—Continued

Date.	Name.	Description.	Voucher.	Amount.
1878.				
Jan'y 8	By estimate		60	$1,243 80
" 23	" "		"	3,077 75
" 28	" "		"	2,111 40
" 29	" "		"	7,430 44
Feb'y 9	" "		65	1,801 80
" 26	" "		"	3,757 32
Mch. 6	" "		70	2,030 27
" 21	" "		"	1,308 06
" 28	" "		"	1,902 42
1876.				
Nov. 18	" C. S. Whitney		505	3 80
1878.				
Apl. 8	" estimate		75	2,266 11
" 16	" "		"	2,241 32
" 26	" "		"	1,365 39
May 1	" M. & C. R. R.	Rebate	80	44 85
" 6	" estimate		"	1,472 63
" 16	" "		"	2,230 20
" 27	" "		"	1,374 84
June 1	" "		86	1,000
" 4	" "		"	1,000
" 10	" "		"	2,605 21
" 17	" "		"	3,000
" 24	" "		"	908 44
	Forward fol. 30			$215,884 71
1878.	Forward fol. 29			$215,884 71
July 1	By estimate		88	8,025 79
" 27	" "		94	500 00
" 29	" "		"	301 21
Aug. 22	" "		"	1,500
" 29	" "		"	1,780 02
" 7	" C. S. Whitney		89	3 29
Oct. 9	" estimate		100	3,292 27
				$231,287 29

Cash vouchers paid per settlement.

AUGUST, 1876.

Date.	Name.	Description.	Voucher.	Amount.
Apl. —	C. S. Whitney	Collins' Piloting	1	$66
" —	" "	Coal at Cairo	2	15 20
" —	" "	Groceries at Cairo	3	6 30
" —	" "	Coal at Paducah	4	29
" —	" "	A. Whitney ⅜ trip	5	170
" —	" "	Rice expenses, telegrams, &c	6	4 40
" 26	" "	Polar Star, first trip, towing.	7	100
" 29	Post-office	Box-rent to July 29"	8	50
May 2	Ludiker & Jones	125 bus. coal, at 30c., & hauling	1	39 75
" 4	Parkhill & Co	Plates	2	1 80
" "	J. H. Young & Bro	Knives & forks	3	1 25
" "	Parkhill & Co	Lard	4	4 10
" "	J. D. Anderson	232 bus. coal, at 30c	5	69 60
" 5	Parkhill & Co	Supplies	6	4 08
" 6	W. P. Stradford	Flat-boat	7	12
" 7	J. C. Long	"	8	15
" "	T. N. McKay	Mattress	9	6
" 8	T. N. Perry	600 ft. plank, for office	13	9
" "	G. W. Kammer	Hauling to river	14	1 50
" "	T. K. Ferguson	" " " 3 loads	15	2 25
" 9	Str. Rapidan	1,000 bus. coal, at 16½	16	165
" "	W. E. Harrison	Board C. S. Whitney & Seward, at Florence	17	17 25
" "	" "	Board Rice, at Florence	18	14 25
" "	G. W. Evans	Beef for Le Claire	19	13 59
" 10	Shane & Ingram	Flour "	23	6
" 12	W. H. Pell	Piloting to date	24	30
" "	G. Williams	Powers, hauling and livery	25	35
" "	" "	Maj. Long, horse	26	100
" "	G. W. Evans	Beef for Le Claire	27	13 35

Cash vouchers paid per settlement—Continued.

AUGUST, 1876—Continued.

Date.	Name.	Description.	Voucher.	Amount.
May 18	Z. T. Freeze	Lumber for boarding-house	34	$210 75
" 22	Florence	Wharfage, Le Claire	35	10
" 24	C. S. Whitney	H. B. Lee, drugs	39	1
" "	" "	Unloading ice	40	2 20
" "	" "	Postage	41	1 10
		Forward fol. 33		1,177 22
		Forward fol. 32		1,177 22
May 24	C. S. Whitney	Labor on levee	42	3 75
" "	" "	Straw to cover ice	43	2
" "	" "	Supplies for Le Claire	44	2 75
" "	" "	Telegraphing	45	1 65
" "	" "	Washing for Le Claire	46	1 60
" "	" "	A. Whitney's expenses	47	29
" "	" "	Exp. to Chattanooga	48	34 50
" 30	Probascus	Fixing buggy	49	1 50
" "	J. C. Coffee	Pilot from Decatur	50	20
June 12	C. S. Whitney	Nails for boarding-house	1	1
" "	" "	Telegraphing	2	30
" "	" "	Horse, wagon, &c	3	361 72
" "	White & Windham	Lumber	4	68 13
" 7	Street	Board, C. S. Whitney & Rice, May	14½	14 70
" "	J. M. Horn	Balance on voucher for board	15½	70
" 19	J. C. Coffee	Trip to Decatur	19	24 30
" "	Str. Rapidan	Ft. on sash	20	2 50
" 20	G. W. Koesner	Hardware for dwellings	21	6 85
" "	J. B. Irwin	Rent store-house, Florence	22	15
" "	W. H. Portlock	Iron and steel	23	7 45
" "	J. J. Crittenton	Feed for teams	24	12 46
" 22	C. S. Whitney	A. Whitney, expense	25	100
" 28	Dan Getchel	Sand-boat	26	5
" 30	M. W. Springer	11 days' work, at $2.00 $22 00; Trip to Decatur 8 70	27	30 70
" "	J. W. McKnight	Sash & glazing	28	55 50
July 4	W. E. Harrison	G. Williams & A. Whitney, hotel, Florence	12	20
" 6	C. S. Whitney	A. Whitney, expense	13	13
" 4	G. W. Koesner	Hardware and blacksmith	14	20 75
" "	G. Probascus	Fixing wagon	15	2 60
" 11	J. Powers	Telegraphing to Columbus for butter	16	40
" 12	" "	" " G. Williams	17	50
" 14	" "	" " Kennedy, at Decatur	18	25
" 15	De Pelt	Lumber for boarding-houses	19	6 85
		Forward fol. 34		2,044 63
1876.		Forward fol. 33		2,044 63
July 15	W. J. Wilcoxson	Whitney House, lumber	20	50
" "	C. Springer	" " "	21	7 95
" "	Jno. Powers	Telegram, G. Williams	22	35
" 17	Dan Getchel	Mules & wagon	23	120
" 18	J. C. Coffee	2 trips to Decatur and; 1 " " Chattanooga, for lumber	26	44 35
" "	.....	Telegram to Kennedy	27	25
" 19	L. Hopkins	Lumber a/c $64.50	28	25
" "	C. S. Whitney	B. T. Allen, boards	29	3 80
" 21	" "	A. Whitney, expense	30	65
" "	M. & C. R. R	Freight	31	18 25
" 26	C. S. Whitney	Team and ferrying	37	14 75
" 22	J. J. Crittenton	Boards	38	22 97
" 29	C. J. Stein	Feed for horses	39	13 25
" "	" "	" " "	40	6 60
Aug. 2	Jas. Williams	" " "	1	8
" "	C. C. Cox	Shingle boards	2	5 90
" "	C. Springer	" "	3	4
" "	E. A. Clifton	Ax	4	1 25
" 4	W. E. Jackson	Feed	12	73
" "	G. E. Craig	"	13	8 12
" 5	J. Thorndale	"	14	3 00
" "	C. B. Eldred	Hauling to river in May	15	75
" 7	J. Thorndale	Moving fence at quarry	17	15
" "	J. Jackson	Boards for shocks	18	4 80
" 10	P. S. Williams	July rent, Shocks, Helltown	22	25
" "	L. P. Seay	Ft. & ice from Chattanooga	23	4 75
" "	C. S. Whitney	Bringing team to river	24	9
" "	G. Williams	Kennedy, tools	25	400
" 10	Jas. Douglas	Attachment on Gordon's tools	26	20 25
" 12	A. Whitney	Expenses	27	20

Cash vouchers paid per settlement—Continued.

AUGUST, 1876—Continued.

Date.	Name.	Description.	Voucher.	Amount.
Aug. 16	C. S. Whitney	Erricson's board	31	$3 60
" "	W. J. Wilcox	Car lumber, Helltown house	32	135 22
" "	F. Allen	Load spikes and splices	33	3
		Forward fol. 35	.....	3,181 79
1876.		Forward fol. 34	.....	3,181 79
Aug. 18	Jas. Gordon	a/c sub contract	36	25
" 19	L. P. Seay	Ft. on ice, steel, &c	37	5 50
" 21	F. Messenger	Ferry, coal, men, &c	38	14
" 23	C. Y. Stein	Feed	42	6 25
" "	McClure	"	43	1 50
" 20	Blair	Hauling spikes, &c	44	5 25
" "	C. S. Whitney	Paper for office	45	50
" "	A. Whitney	House-expense	46	3
" 25	C. Y. Stein	Feed	48	3 20
" "	L. P. Seay	Freight on ice, &c	49	3 25
" "	Col. Fields	Feed	50	9 40
" 22	C. S. Whitney	Crittenden on a/c lumber	51	10
" 16	" "	" " "	52	10
" 25	" "	Wilcox	53	34 90
" 17	" "	Beasley, making pick and hammer handles	54	9 10
			.....	3,322 64

Amt. pd. P. L., Apl., May, June, & July	.....	.....	$4,820 15
" " " " Aug	.....	.....	35 30
" " B. B., Apl., May, June, & July	.....	.....	709 73
Amt. pd. a/c P. L. by store, Apl. to Aug	.....	$3,827 55	3,827 55
" " " B. B. " " " " " "	.....	1,431 75	1,431 75
		.....	10,824 48

OCTOBER, 1876.

Date.	Name.	Description.	Voucher.	Amount.
Aug. 25	L. P. Seay	Telegrams, ice, & hauling	56	$4 50
" 26	" "	Ft. on ice, &c	58	3 75
" "	A. Whitney	Expense	59	11 50
" 30	Jas. Chandler	Feed for hogs	61	1 30
" 31	A. Brown	Clock	63	3 50
" "	W. E. Harrison	Board in Florence	64	14 80
" "	L. P. Seay	100 lbs. ice, ft., &c	65	3 35
Sept. 2	C. S. Whitney	White went to Columbia for men; used $15 Long's to buy coal.	67	15
" 7	L. P. Seay	Ft. on ice, steel, &c	70	5 50
" 8	J. J. Crittenton	Timber	72	15
" 13	L. P. Seay	Freight, &c	74	19 30
" "	J. J. Crittenton	Lumber	76	35 15
" 14	P. S. Williams	Ground rent, Hell Town	80	25
" "	Jas. Blair	Hauling spikes & splices	81	4 40
" 13	S. H. Hopkins	Lumber	82	39 50
" 15	C. C. Smith	Express	87	75
" "	A. Whitney	Expense	88	60
" "	F. Conway	"	89	20
" 18	N. T. Coffee	Lumber	92	2 25
" 19	W. F. Ellison	Feed	93	90
" 21	J. M. Horn	Cooking for Eng. Corps	94	5
" "	C. S. Whitney	Carrying mail, July	95	8 50
" 24	A. Whitney	To be charged to him	96	25
" "	" "	" " " "	"	23
" 27	W. P. Comer	Feed	97	3 75
" 28	W. J. Wilcoxson	Lumber	98	231 44
" "	J. Jungblott	Ferrying, &c	102	4
" "	Jas. McClure	Feed	103	2 50
" 29	L. P. Kennedy	Lumber	105	76
" 19	G. Probascus, dft. 54	Horse-shoeing & buggy repairs	106	7 75
Oct. 13	J. J. Crittenton, " 85	Lumber & ties	115	37
" 16	Jas. Kirby	Hauling spikes, &c	118	10 85

Cash vouchers paid per settlement—Continued.

OCTOBER, 1876—Continued.

Date.	Name.	Description.	Voucher.	Amount.
Oct. 18	A. Whitney	Expenses to Chattanooga	120	$20
" "	Mrs. Yarrico	Board	121	6 80
		Forward fol. 37		$747 04
1876.				
		Forward fol. 36		$747 04
Oct. 18	Johnson Trousdale	Board	123	10
				$757 04
		Amt. pd. P. L., Aug. & Sept		$5, 261 10
		" " B. B., " "		579
		" " " Oct		235 45
		" " P. L., "		168 55
		" " Miscl., "		90
		Amt. pd. a/c P. L., by store, Aug		3, 061 90
		" " B. B., " " " Sept		2, 666 15
		" " " " " Aug. & Sept		154 85
				$12, 217 00

NOVEMBER, 1876.

Date.	Name.	Description.	Voucher.	Amount.
1878.				
Oct. 18	W. H. Portlock	Powder and fuse	125	$322
" "	A. Whitney	House a/c orders, Mrs. W	127	4 40
" "	C. Y. Stein	Feed	129	4 45
" "	Jas. Gordon	869 ties. See Sept. a/c. fol. 225	131	25
" "	L. Butler	Feed	132	12 80
" "	A. Whitney	House a/c	133	9 50
" "	Wm. Springer	Coal	134	12
" 19	C. C. Smith	Carrying mail, &c	135	15
" 20	Jas. McClure	Feed	138	3 75
" "	Ben. Williams	"	139	2 65
" "	P. S. Williams	Rent	140	25
" "	Jno. Powers	Advertising for men in July	141	4
" 23	Geo. Probascus	Blacksmithing a/c	142	18 55
" "	T. E. Smoot	Wagon repairs	143	5
" "	W. F. McKay	Rep'g harness, &c	145	3
Nov. 2	Wm. Jackson	Feed	150	2 30
" 4	A. J. Williams	"	1. 2	6
" "	J. McLaren	"	153	4 50
Oct. 28	C. L. Darden	Ferrying men for Chattanooga	154	6
Nov. 8	L. P. Kennedy	Lumber for shanty, H. Quarry	155	50
" 2	W. H. Langdale	3 pairs oars	163	8 75
" 7	C. S. Whitney	Expense, St. G. for tools	164	18 65
" 15	J. Jackson	400 bdls. fodder @ 1½	167	6
" 14	A. Whitney	House a/c	169	1
" 16	J. F. Bulls	Lumber	176	125
" 17	R. N. Coffee	Feed & coal	180	6 60
" "	G. W. Street	A. Whitney, house a/c	182	7 55
" "	"	Extra meals for men for May	183	31 05
" "	W. K. Shipler	Williamson, Eng. Corps	184	5 15
		Forward fol. 39		745 65

1876.	Forward fol. 38		$745 65
	Amt. pd. P. L. Oct	$2, 744 50	
	" " B. B., Sept	7 51	
	" " " Oct	214 60	
	" " " Nov	576 03	
	" " miscel. Oct	50	
	" " P. L Nov	61 05	
	" " former pay-lists	454 60	
	Amt. pd. a/c P. L. by store (Oct.)	2, 225 35	
	" " B. B. Oct. " "	1, 916 10	
	" " " Aug. " "	879 55	
	" " " Sept. " "	1, 013 53	
	" " P. L. Oct. " " (on tickets)	198 50	
			$10, 371 32

Cash vouchers paid for settlement—Continued.

FEBRUARY, 1877.

Date.	Name.	Description.	Voucher.	Amount.
1876				
Nov. 19	A. Whitney	Corn	186	$10
" 22	E. J. Frazier	Expense on men	190	73
" 24	Ætna Coal Mines	Coal	194	32 88
" 25	J. B. Daniels	Corn	195	4 20
" "	W. J. Wilcoxon	Lumber	196	49 33
" "	L. Rosenheim Bros	Rope	198	57 85
" "	D. C. Williams	a/c rent	200	40
" "	W. L. Douglas	" wood	201	30
" "	Jas. McClure	Feed	203	3 75
" 27	T. E. Smoot	Wagon repairs	205	10
" "	Jno. W. Powers	Feed & hauling	206	100
" "	Jno. W. Blair	Hauling	209	5
" "	Wm. Jackson	Feed	213	4 65
Dec. 1	P. S. Williams	Nov. rent	214	25
" 4	R. T. Betts	Corn	221	6 70
" "	G. W. Karsner	Tie a/c	223	25
" "	" "	Hardware	224	4 50
" 6	C. S. Whitney	Expenses to Nashville	227	19 30
" "	G. Williams	Sundries, stationery	229	8 40
" "	J. J. Crittenton	Boards & wood	230	29
" "	G. W. Karsner	Ties	231	25
" "	Jas. McClure	Boards	232	23 10
" 8	Trousdale & Halbert	Boarding drivers	240	15 70
" "	J. W. Brooks	Ties	242	33
" 9	L. P. Kennedy	Lumber	243	224 90
" "	Wm. Jackson	Corn	246	7 65
" 11	J. H. McGowan	Pump	248	23 92
" "	House a/c	Servants, &c	250	8
" "	T. Ford & Co	Tools, &c	252	202 70
" 12	Jas. McClure	Feed	253	7 70
" 14	P. S. Williams	Rent	255	25
" 15	Wm. Hough	Corn	259	2 55
" 16	T. H. Jones	Boat	263	50
" 19	T. J. Crittenton	Wood a/c	270	96 18
		Forward fol. 41	.....	$1, 283 96
1876.		Forward fol. 40	.....	$1, 283 96
Dec. 19	J. Jungblott	Mattocks	271	5 40
" "	Luddike & Jones	Coal	272	14 40
" "	Thos. Butler	Expense for men, July	273	14
" 21	J. F. Bulls	Lumber	274	215 65
" 21	Dick Henderson	Work at A. Whitney's	276	36
" "	R. N. Coffee	Wood a/c	278	42 80
" 22	Foster & Weihl	Derricks, &c	279	212 52
" "	W. C. Wilson	Ties	280	34 60
" 23	Jas. Douglas	Ties, wood, &c	281	130
" 28	P. S. Williams	Dec. rent	282	25
1877.				
Jan'y 4	C. C. Smith	Carrying mail, Oct	286	15
" 5	F. E. Jackson	Feed	290	17 55
" "	Western Cement Co	Cement	291	336
" 8	Etna Coal Mines	Coal	292	34 25
" 10	Levi Lightfoot	Hauling, f't, &c	295	3 75
" 12	Vance & Kirby	Hardware	303	1, 000
" 13	A. P. Odom	Rent	306	10
" "	White & Windham	Lumber	309	104 19
" 17	J. F. Stein	Feed	310	3
" 18	A. Whitney	Expense to Decatur	314	25
" 19	Vance & Kirby	Hardware	317	960 12
" 22	Geo. Black	Feed	318	9 75
" 23	J. J. Crittenton	" &c	320	89 35
" 30	G. W. Butler	Corn	321	4 50
" "	Wm. Armstrong	Feed	324	13 50
" 31	T. J. Campbell	"	325	6 25
Feb'y 2	Thos. White	Harness repairs	327	1
" 3	C. S. Whitney	Expense to Nashville	330	32 60
" "	R. A. Scott	Wood a/c	332	130
" "	L. P. Kennedy	Lumber	333	29 65
" 2	House a/c	Expenses	334	19 50
" 6	A. Whitney	Expense to Chattanooga	335	28
" 7	W. J. Wilcoxon	Lumber	338	62
		Forward fol. 42	.....	$4, 949 29

Cash vouchers paid per settlement—Continued.

FEBRUARY, 1877—Continued.

Date.	Name.	Description.	Voucher.	Amount.
1877.		Forward fol. 41	.....	$4,949 29
Feb. 7	T. J. Crittenton	Wood a/c	341	297 01
" "	W. L. Douglas	Wood a/c	343	167 43
" 8	J. Williams	Wood a/c	345	9
" 10	T. B. Oldham	Wood a/c	346	4 50
" 15	Jas. Ingram	Feed a/c	349	18
" "	L. W. Daniels	Plow	350	8
" "	C. B. McKiernan	Sand a/c	351	10
" "	T. B. Oldham	Feed a/c	354	10 10
" 16	J. C. Coffee	Expense to Decatur	357	25
" 17	Truxal & Dunmeyer	Packing rings	358	12
" 22	C. S. Whitney	Expense to Decatur	361	7 25
" 23	S. H. Butler	Feed	362	3
" 26	House a/c	A. Whitney	371	4
" "	Jno. Rierdon	J. McNairey's board Jan. (vou. a/c)	374	8 20
" "	Fritz Yarrico	" " " "	375	7 25
" "	G. C. Pruett	" " " "	376	2 30
" 28	C. B. McKiernan	Sand a/c	377	10
				$5,552 33

Amt. pd. a/c P. L. Nov., Dec., & Jan	$7,369 27	
" " " B. B. " " "	3,399 59	
" " " " Feb	324 35	
" " " miscl. Nov., Dec., & Jan	122 80	
" " " P. L. Feb	96 35	
" " " former pay lists	1,243 65	
Amt. pd. a/c P. L. by store Nov., Dec., & Jan	9,734 05	
" " " B. B. " " " " "	10,440 60	
" " " miscl. " " " " "	162 80	
" " " works " " Dec. & Jan. (tickets)	985 18	
		$33,878 64

APRIL, 1877.

Date.	Name.	Description.	Voucher.	Amount.
Mch. 3	T. J. Crittenton	Wood a/c	387	598 32
" "	Wm. Covington	Feed	388	4 55
" 4	A. Whitney	Expense to Chattanooga	390	11
" 5	M. Horkins	118½ bus. corn	391	45 03
" 12	Odom & Porter	Warehouse rent	407	10
" "	Western Cement Co	Cement	409	1,015
" 15	Harroway & Boggett	Hauling engine	412	7
" "	A. J. Joiner	" pump	413	1 50
" 13	Geo. Williams	Expense	414	25
" "	White & Windham	Ft. on engine	415	150
" 17	H. H. Portlock	Fuse	420	16 25
" "	J. H. Silverberg	Waste, &c	421	14 70
" 19	A. Whitney	Expense to Chattanooga	425	14
" "	W. J. Windham	Lumber & unloading engine	426	146 95
" "	B. N. White	Feed	427	6
" 20	Johnson & Trousdale	Timber & boards	428	12
" "	A. Whitney	Flatboats	428½	100
" 22	Chas. Cox	Boards	429	7 40
" 23	J. F. Bulls	Lumber	432	137 60
" 24	C. B. McKiernan	Sand a/c	436	20
" "	W. B. McClure	Feed	438	1 20
" 26	W. C. Thatcher	Hay	439	45 50
" "	J. C. Coffee	Expense to Decatur	443	8 40
" "	Jno. Seward	" " "	444	11 60
" "	Jno. C. Pruett	Flatboats	445	35
" 28	Cahill & Whitesides	Irons	447	18 42
" "	S. B. Lowe	Coal	448	75 56
Apl. 2	Emmett O'Neal	Stone, Horkin's quarry	455	41 20
" 5	F. E. Jackson	Mch. rent & wood	466	62 12
" 6	Etna Coal Mines	Coal	467	74 26
" "	Western Cement Ass'n.	Cement a/c to Mch. 1"	468	406
" "	T. J. Crittenton	Wood & rent	471	173 72
" "	B. A. Scott	Hauling 1838 ties	474	100 90
" 10	C. S. Whitney	Expenses to Decatur	479	7
		Forward fol. 44	.....	$3,403 18

Cash vouchers paid per settlement—Continued.

APRIL, 1877—Continued.

Date.	Name.	Description.	Voucher.	Amount.
1877.		Forward fol. 43	.....	$3,403 18
Apl. 10	B. N. White	3 bbls. corn	481	6
" "	Odom & Porter	Rent warehouse	483	10
" "	A. Whitney	Expense	486	15 50
" "	C. Cox	500 boards, @ 80c	490	4
" "	Fred. Rice	Expense with engine from K	492	28 80
" 19	W. J. Wilcoxon	Lumber	494	171 30
" 20	Schell, Pruett & Street	Board clerks, March	498	16 80
				$3,655 58
Amt. pd. a/c	P. L. Feb. & Mch		$6,272 50	
" " "	B. B. " "		658 90	
" " "	miscl. " "		5	
" " "	P. L. Apl		268 55	
" " "	former pay lists		1,503 65	
Amt. pd. a/c	P. L. by store, Feb. & Mch		7,275 40	
" " "	B. B. " " " "		6,982 37	
" " "	miscl. " " " "		10 15	
" " "	works " " " "	(tickets)	929 25	
				$23,905 77

JULY, 1877.

Date.	Name.	Description.	Voucher.	Amount.
Apl. 22	W. J. Windham	Lumber, boats, & expenses	501	$236 24
" 23	J. E. Lawler	Wood a/c	504	329 50
" 26	W. J. Windham	Lumber, &c., Decatur	510	37 80
" "	Lee Butler	Corn	513	43 60
" 30	D. Kirkpatrick	Boats, provisions, &c	515	45 85
May 2	Geo. Litteral	Ties	519	20 40
" "	Soddy Coal Co	Coal	521	91
" "	Ashley & Snow	Stove & boiler iron	522	36 64
" 7	F. E. Jackson	Rent & wood	524	120 10
" "	T. J. Crittenton	" " &c	525	85 69
" 8	American Office, Nashville.	Advertisement	528	1 80
" "	J. J. Crittenton	Wood	531	7 60
" "	Jas. Douglas	Stone, ties, timber, rent, &c	533	556 13
" 14	Phillip Speed	Cement	539	1,648 27
" 15	Jno. Seward	Expense to Decatur	553	6 50
" 16	Wm. Windham	Lumber, fts., &c	554	119 49
" "	Wm. Warren	20 bus. corn	555	8
" 17	Board clerks	Voucher a/c	557	53 85
" 18	R. A. Scott	Wood a/c	558	230
" "	Wm. Springer	Expense of boating	561	55 10
" 21	C. L. Williams	Paul Lorson, fare from Chicago	562	31 55
" 23	A. Whitney	Personal	564½	75
" 26	Chas. Cox	400 boards	569	3
" 29	J. J. Stutts	State & Co. taxes	575	100 70
June 6	F. E. Jackson	Rent, timber, & wood	582	103 05
" 7	C. B. McKiernan	Sand a/c	583	100
" 5	C. S. Whitney	Expense to Chattanooga	585	24 20
" 9	R. W. Haney	Fodder	586	8 75
" 11	Vance & Kirby	Hardware	587	1,549 07
" 12	T. E. Jones	Filling wheel	592	2
" 15	Board of clerks	Voucher a/c	595	35 40
" 18	Odom & Porter	Rent	597	20 00
" 21	House a/c	Expense a/c	602	2
" "	C. S. Whitney	Expense to Decatur	603	5
		Forward fol. 46	.....	$5,793 28
1877.		Forward fol. 45	.....	5,793 28
June 23	L. Butler	40 bbls. corn	608	100
" "	J. F. Bulls	Lumber	610	66 90
" "	S. E. Cross	Ties	613	13 25
"	S. L. Crow	"	614	16 85

Cash vouchers paid per settlement—Continued.

JULY, 1877—Continued.

Date.	Name.	Description.	Voucher.	Amount.
1877.				
June 23	W. J. Wilcoxon	Lumber	615	$79 77
" "	Jas. Douglas	Stone, &c	616	59 43
" 29	House a/c	Expense a/c	625	5 75
July 2	J. C. Vance	Derrick crabs	627	30
" "	Wm. Springer	Freight	630	25 35
" 6	T. J. Crittenton	Rent & wood	634	120 13
" 7	C. S. Whitney	Expense to Huntsville	635	12 75
" 9	J. F. Bulls	Lumber	639	41 40
" "	Geo. Williams	Expense	640	10
" 10	F. E. Jackson	Rent & timber	642	108
" 13	House a/c		643	15 80
" "	Board of clerks	Voucher a/c	645	33 95
" 17	Expense a/c	A. Whitney	655	16
" 18	M. G. Hunt	Feed	658	2
" 19	Jas. Douglas	Stone	659	55 30
" 20	G. W. Karsner	Hay, &c	662	11 92
" 22	O'Neal & O'Neal	Attorneys' fees	664	100
" 23	Jas. Douglas	Rent, month June	665	33 33
" 26	Geo. E. Craig	Fodder	669	10 10
" "	Paul Lorson	Expense from Chicago	670	23 55
" 29	A. Whitney	Expense a/c	672	18
" 30	L. Butler	140 bus. corn, &c	674	84
" "	W. K. Shiffler	Voucher a/c	675	20
" 16	Phillip Speed	Cement	651	$1,421
		Forward fol. 47		$8,327 81

1877.	Forward fol. 46			$8,327 81
	Amt. pd. a/c	P. L., Apl., May, & June	$11,455 75	
	" " "	B. B., " " "	1,432 80	
	" " "	miscl., " " "	326 90	
	" " "	P. L., July	193 90	
	" " "	B. B., "	639 05	
	" " "	miscl., "	45 50	
	" " "	former p. 1	3,574 20	
	Amt. pd. a/c	P. L. by store, Apl., May, and June	11,478	
	" " "	B. B. " " " " "	8,958 55	
	" " "	miscl., " " " " "	44 40	
	" " "	works, " " " " " (tickets)	1,397 20	
				$39,546 25

SEPTEMBER, 1877.

Date.	Name.	Description.	Voucher.	Amount.
Aug. 2	Cypress Mills Co	Waste	679½	$39
" 7	Vance & Kirby	Hardware	683	380 87
" "	Phillip Speed, agt	Cement	684	1,624
" "	F. E. Jackson	Rent	686	25
" 8	Jas. Branham	Expense from Ks	687	29 45
" 17	Board of clerks, July	Voucher a/c	700	36 15
" "	House a/c	Paid servant	703	13
" 25	Jas. Douglas	Rent, stone, &c	707	101 43
" "	Lee Butler	Corn	709	103
" 27	M. J. Hunt	Hay	710	3 25
" 28	A. Whitney		712	125
" "	Wm. Springer	Board chg. in error	714	16 15
" 29	Matt Webster	Fodder	721	6 50
" 30	Matt. Walker	"	722	10 50
Sept. 4	J. J. Crittenton	"	728	3
" 5	E. C. Tollinger	Tools (shovels, ropes, and picks)	729	90
" 8	Matt. Walker	Fodder	734	22 20
" 15	A. Whitney	House a/c	735	1 50
" "	Cypress Mills Co	Waste	737	38 70
" 17	Wm. Roberts	Expense to works	740	4
" "	Emmett O'Neal	Stone a/c	742	100
" "	A. Whitney	Expense a/c	745	5
" "	C. S. Whitney	" "	746	480
" "	R. L. Douglas	Wood	748	71 45

Cash vouchers paid per settlement—Continued.

SEPTEMBER, 1877—Continued.

Date.	Name.	Description.	Voucher.	Amount.
Sept. 18	J. F. Bulls	Lumber	750	$43 62
" "	Paul Lorson	Expense to works	751	26 30
" 21	Phillip Speed, agt	Cement	758	812
" "	Board of clerks	Voucher a/c	759	40 90
" 24	Jas. Douglas	Rent, stone, &c	760	71 83
" "	A. Whitney		761	50
		Forward fol. 49		$3, 898 60
1877.	Forward fol. 48			$3, 898 60
Amt. pd. a/c	P. L., July & Aug.		$5, 891 10	
" " "	B. B., " "		457 85	
" " "	miscl., " "		313 10	
" " "	P. L., Sept.		132 75	
" " "	B. B., "		630 40	
" " "	miscl., "		53	
" " "	former p. l.		779 15	
Amt. pd. a/c	P. L. by store, July & Aug		7, 002 60	
" " "	B. B. " " " "		4, 682 45	
" " "	miscl., " " " "		75 65	
" " "	Amt. due " " "	(tickets)	745 15	
				$20, 763 20

NOVEMBER, 1877.

Date.	Name.	Description.	Voucher.	Amount.
Sept. 26	Jno. Hobart	Feed	765	$4
" 30	M. Horkins	Stone a/c See ledger C, fol. 546	767	26 80
" "	F. E. Jackson	Rent	770	49
" "	C. S. Whitney	Expense to Huntsville	771	14 10
Oct. 2	W. R. Rison	Exchange, &c., on dft. and telegram	772	2 75
" "	C. S. Whitney	Expense to Florence	773	2 50
" 5	Vance & Kirby	Hardware	781	378 10
" "	Scott & Co	Board men at Decatur	782	4 56
" 6	A. & P. Tel. Co	Telegraphing	783	18 66
" 8	J. B. Litton & Co	Timber, ties, &c	784	278
" "	Geo. Probascus	Shoeing horse	786	1
" "	C. S. Whitney	Expense to Florence	787	3 80
" 10	Matt Walker	Fodder	789	4 40
" 17	W. H. Portlock	Powder, &c	791	43 30
" "	A. Whitney	Expense a/c	792	50
" 20	J. F. Bulls	Lumber	798	36 61
" "	Jas. Douglas	Rent & stone	800	52 08
" 22	A. Whitney	Expense	801	32 75
" 25	M. J. Hunt	Corn	805	22 25
" 27	W. C. Wilson	Fodder	806	3 75
" 29	Board of clerks	September	812½	51 45
" 30	J. W. Williams	Corn	814	21
" 31	S. B. Love	Coal	815	36
Nov. 2	A. Whitney	Expense hauling coal to canal	816	15 75
" "	F. E. Jackson	Rent & wood	817	38 50
" 3	S. C. Young	Cash to fix tel. wires	818	1 50
" 9	C. S. Whitney	Expense a/c	822	26 90
" "	Phillip Speed, agt	Cement	824	1, 015
" "	C. A. Tinker	Telegraphing	825	21 84
" "	R. L. Douglass	Wood, &c	828	47 25
" 10	J. C. Vance	Shovels and picks	830	125
" "	C. Y. Stein	Corn	832	9
" 13	T. G. Crittenton	Rent, wood, &c	834	150 35
" "	A. Whitney	Expense a/c	838	15
		Forward, fol. 51		2, 602 95
		Forward, fol. 50		2, 602 95
Nov. 13	M. Horkins, est	Stone & wood	840	261 84
" "	O'Neal & O'Neal	Attorneys	841	50

Cash vouchers paid per settlement—Continued.

NOVEMBER, 1877—Continued.

Date.	Name.	Description.	Voucher.	Amount.
Nov. 13	Board of clerks	Oct. voucher a/c	842	$41 20
" 19	W. H. Portlock	Powder, &c	847	75
" "	A. Whitney	Expense a/c	849	6
" 24	R. H. Jackson	Feed	852	5
			.....	3. 041 99
	Amt. pd. a/c	P. L. Sept	$2, 209 65	
	" " "	B. B. " & Oct	797 20	
	" " "	mis'cl " "	414 25	
	" " "	P. L. Oct. & Nov	583 60	
	" " "	B. B. Nov	529 80	
	" " "	mis'cl "	15 20	
	" " "	former pay lists	1, 151 40	
	Amt. pd. a/c	P. L. by store, Sept	2, 688 70	
	" " "	B. B. " " " & Oct	5, 445 95	
	" " "	misc'l " " " "	79 15	
	" " "	amt. due " " " (tickets)	275 40	
				$14, 190 30

FEBRUARY, 1878.

Date.	Name.	Description.	Voucher.	Amount.
1877.				
Nov. 26	A. Whitney	Expense, pilot	855	$2 75
Dec. 1	M. J. Hunt	Beef	861	20
" "	R. H. Jackson	Corn	862	47 80
" 3	W. Williams	"	866	14
" "	Board of clerks	On works	867	32 15
" 5	C. A. Tinker	Telegraphing	869	18 86
" 6	Vance & Kirby	Hardware	871	196 15
" 8	Phillip Speed	Cement	873	684 75
" 11	Jas. Douglas	a/c stone & rent	875	59 33
" 15	F. E. Jackson	" rent	878	44 50
" "	G. P. Litteral	Wood	880	45
" 18	C. S. Whitney	Expense to Florence	881	2 25
" 17	Jas. R. Price	Stationery	882	1 90
" 18	Wm. Windham	Lumber	883	13 14
" 19	T. J. Crittenton	Wood & rent	884	171 11
" 20	H. Wilcox	Steam fixtures	885	10
" "	Odom & Porter	Rent of warehouse, drugs, ft., & postage	886	18 03
" "	G. A. Townley	Fodder	887	1 50
" "	Jas. Douglas	Stone & rent	888	58 83
" "	C. Y. Stein	Corn & fodder	889	66 25
" "	W. P. Comer	Corn	890	4 35
" "	Emmett O'Neal	Rent & stone	893	95 75
" 22	A. Whitney	Pilot from Decatur	894	16
" "	Wm. Springer	Expense to "	896	17 75
" "	Emmett O'Neal	Rent	900	177 95
1878.				
Jan'y 2	C. A. Tinker	Telegraphing	903	30 62
" "	A. Whitney	Hauling	904	4 50
" 5	Wm. Jackson	Corn	905	18
" "	Board of clerks	On works	906	15
" 12	Wm. Hermon	Corn	910	45
" "	L. D. Williams	Corn & fodder	911	29
" 18	B. Joiner	" "	912	8 35
" 21	A. Whitney	Expense a/c	914	40
" 22	" "	" "	922	1
		Forward fol. 53	.....	$2, 011 57
1878.		Forward fol. 52	.....	$2, 011 57
Jan'y 23	Emmett O'Neil	Stone & rent	928	165 90
"	C. C. Noel	Expense to Florence	930	4 75
29	Jas. Douglas	Stone & rent	936	60 93
"	Geo. Litterel	Wood	937	22 50
"	A. P. Odom	Rent of warehouse	938	15
31	F. E. Jackson	Rent	940	23 70

Cash vouchers paid per settlement—Continued.

FEBRUARY, 1878—Continued.

Date.	Name.	Description.	Voucher.	Amount.
1878.				
Jan'y 31	F. E. Jackson	Rent	941	$25
Feb'y 1	A. & P. Tel. Co	Telegraphing	942	26 51
"	Jas. H. Douglas	Wood	943	45
4	Vance & Kirby	Hardware	947	368 18
"	R. B. Porter	Ft. & express	949	4 75
"	C. A. Buler	Adv't for men	950	5 75
5	A. Whitney	Expense a/c	951	1 40
Jan. 6	T. J. Crittenton	Wood	952	52 95
Feb. "	Jas. McClure	Fodder	955	2 40
7	Phillip Bauer	Pick-handles	956	3
8	Western Cement Co	Cement	959	101 50
				$2,940 79
	Amt. pd. a/c	P. L. Oct., Nov., & Dec		$5,723 30
	" " "	B. B. " " "		1,125 73
	" " "	misc'l. " "		464 30
	" " "	P. L. Jan. & Feb		253 60
	" " "	B. B. " "		216 65
	" " "	former pay lists		581 20
	Amt. pd. a/c	P. L. by store, Oct., Nov., & Dec		7,530 75
	" " "	B. B. " " " "		4,768 50
	" " "	misc'l. " " " "		7 60
	" " "	Amt. due " " " " (tickets)		1,527 30
				$22,198 93

JUNE, 1878.

Date.	Name.	Description.	Voucher.	Amount.
Feb. 12	Board of clerks	On works	961	$15
" "	Geo. Probascus	Horseshoes	963	2 55
" 14	W. M. Springer	Ext. Chattanooga for coal	965	25
" 16	Carter & Patterson	Nails	967	1 55
" "	A. Whitney	Expense	968	20
" 20	House a/c	"	973	9
" 21	A. Whitney	Personal	975	130
" 22	J. W. Evans	Coal	976	17
" "	Soddy Coal Co	"	977	103 25
" 23	P. Bauer	Sledge & pick handles	979	3 50
" 26	Jas. Douglas	Stone & rent	982	62 43
" "	Mountain Mills	One pinion	983	6 20
" 28	C. W. Lemay	Fixing wheels	986	8 50
Mch. 2	O'Neal & O'Neal	Legal expenses	987	130
" "	E. O'Neal, adm'r	Stone & rent	987½	129
" "	C. A. Tinker	Telegraphing	988	30 63
" 4	C. S. Whitney	Expense	990	3
" "	A. Whitney	Personal	991	40
" "	F. E. Jackson	Rent & wood	992	49 75
" 7	A. Whitney	Personal	996	100
" 8	J. McClure	Fodder	1000	7
" 9	" "	"	1003	6 90
" "	T. J. Crittenton	Wood	1004	164 05
" "	Board of clerks	On works	1005	16 20
" 16	A. Whitney	Personal	1019	200
" "	" "	"	1020	122
" 19	Thos. House	Rep'g wagon	1021	1 20
" 27	C. S. Whitney	Expense	1028	28 70
" "	O'Neal & O'Neal	Legal expenses	1029	100
" 28	E. C. Tollenger for T. Ford & Co.	Tools	1030	10
" 29	W. J. Wood	Rent	1031	75
" "	J. W. Pruett	Feed	1034	27 50
" "	W. L. Douglas	Wood	1035	95 62
" "	Jas. Douglas	Stone a/c	1036	50 83
		Forward fol. 55	.....	$1,791 36
1878.		Forward fol. 54	.....	$1,791 36
Mch. 30	M. Horkins	Stone & rent	1038	27 80
Apl. 1	C. A. Tinker	Telegraphing	1041	27 53

Cash vouchers paid per settlement—Continued.

JUNE, 1878—Continued.

Date.	Name.	Description.	Voucher.	Amount.
1878.				
Apr. 1	Wixon & Wester	Hay	1042	$36 12
" 6	Geo. Williams	Expense	1049	100
" 8	Jno. Hudson	Exp. to Florence	1050	10
" "	Vance & Kirby	Hardware	1052	251 36
" "	House a/c	Expense	1053	2
" 9	F. E. Jackson	Rent & wood	1054	57 60
" "	R. N. Coffee	Wood	1055	6
" 10	Board of clerks	On works	1060	12 85
" 9	W. M. Springer	Trip to Chattanooga for coal	1061	23
" 12	L. Butler	Corn	1064	12
" 17	A. Strain	Blacksmithing	1065	2 25
" "	C. S. Whitney	Expense	1066	4 15
" "	P. Morrison	Gudgeon	1067	10
" 18	A. Whitney	Expense	1070	10
" 19	F. F. Wiehl	Tools	1074	25 50
" 20	House a/c	Expense	1075	2 00
" 22	J. J. Crittenton	Wood	1076	40 80
" 23	House a/c	Expense	1077	10 05
" 24	R. B. Porter	Oars	1078	5 10
" 25	M. Horkins, est	Rent & wood	1079	26 80
" 26	Cypress Mills Co	Waste	1081	47 20
" 29	W. L. Douglas	Wood	1082	51 20
" "	C. L. Williams	Expenses	1083	25
" "	Jas. Douglas	Stone & rent	1084	59 13
May 3	C. A. Tinker	Telegraphing	1090	41 25
" "	F. E. Jackson	Rent	1091	25
" 8	C. S. Whitney	Expense	1094	3
" "	P. Speed, agt	Cement	1096	304 50
Apl. 1	" "	"	1100	101 50
" "	Board of clerks	On works	1106	18 30
		Forward fol. 56	.....	$3,170 35
1878.		Forward fol. 55	.....	$3,170 35
May 14	R. B. Porter	Express	1107	1 55
" 20	" "	"	1112	2
" 21	Jas. Douglas	Rent & stone	1113	38 13
" "	G. W. Wrightman	Telegraphing	1114	25 07
" 23	C. W. Lemay	Blacksmithing	1118	5 50
" 30	T. J. Crittenton	Wood, rent, &c	1122	113 20
" 31	C. A. Tinker	Telegraphing	1124	11 33
June 2	G. W. Wrightman	"	1126	4 91
" 4	F. E. Jackson	Rent & wood	1128	61
" "	C. B. McKiernan	Sand	1129	5
" 7	Vance & Kirby	Hardware	1131	137 92
" "	G. W. Wrightman	Telegraphing	1134	14 50
			.....	$3,590 46

Amt. pd. a/c	P. L. Jan., Feb., Mch., & Apl	$5,307 65
" " "	B. B. " " " "	487 35
" " "	misc'l. " " " "	409 10
" " "	P. L. May & June	488 15
" " "	B. B. " "	732 71
" " "	mis'cl. " "	29 75
" " "	former pay lists	1,285 05
Amt, pd. a/c	P. L. by store Jan., Feb., Mch. & Apl	7,572 45
" " "	B. B. " " " " " "	8,556 61
" " "	mis'cl " " " " " "	
" " "	amt. due column " " " " (tickets)	1,084
		$25,952 82

SEPTEMBER, 1878.

Date.	Name.	Description.	Voucher.	Amount.
June 10	House a/c	Expenses	1140	$8
" 14	J. P. Hall	Collar	1143	1 25
" "	W. H. Portlock	Powder & fuse	1144	81
" "	J. J. Stutts	Taxes	1145	86 50
" 17	C. S. Whitney	Express	1149	1 90

Cash vouchers paid per settlement—Continued.

SEPTEMBER, 1878—Continued.

Date.	Name.	Description.	Voucher.	Amount.
June 18	Jas. Douglas	Rent & wood	1151	$33 33
" 25	Express Co	Express	1154	5 50
July 1	L. Butler	Corn	1158	12
" 3	A. & P. Tel. Co	Telegraphing	1159	8 83
" "	F. E. Jackson	Rent	1160	38
" 6	House a/c	Expense	1164	9 75
" 9	W. J. Wood	Rent	1166	75
" 15	Jno. Hale	Collections	1167	39 55
" 24	F. A. Whitney	Expenses	1171	50
" "	E. O'Neal	Stone & rent	1172	25
" 26	Jas. Douglas	Stone	1174	191 85
" "	J. J. Crittenton	Blacksmithing	1175	47 59
" "	L. Butler	Corn	1179	8 25
" 31	W. J. Windham	Lumber	1180	24 46
Aug. 1	A. & P. Tel. Co	Telegraphing	1183	11 27
" "	G. W. Wrightman	"	1184	10
" "	" "	"	1185	26 62
" 5	Vance & Kirby	Hardware	1188	59 08
" 7	T. B. Hazlewood	Freights	1191	2 55
" 9	Emmett O'Neal	Stone & rent	1194	15
" "	C. S. Whitney	Expressage	1195	75
" 14	E. O'Neal, adm'r	Stone & rent	1200	25 50
" "	C. S. Whitney	Exp. to Florence	1201	7 65
" 20	" "	Expense	1205	23 70
" "	House a/c	"	1206	1
" "	J. C. Stith	Ice	1207	2 50
" "	Sam Davis	Expenses	1208	15
" "	Jno. Seward	Board	1209	54 60
" 22	Cypress Mills Co	Waste	1211	19 40
		Forward fol. 58	.....	$1,022 38
		Forward fol. 57	.....	$1,022 38
Aug. 22	W. H. Leickhardt	Oils	1214	11 88
" 21	E. O'Neal, adm'r	Stone a/c	1217	161 10
" 22	W. H. Portlock	Powder, fuse	1218	41 45
" 21	A. & P. Tel. Co	Telegraphing	1220	31 31
" "	W. J. Wood	Rent	1221	350
" "	J. J. Stutts, coll'r	Tax	1222	420
" "	S. N. Kimball	Powder	1223	5
" "	Jas. Douglas	Rent	1224	140 00
			.....	$2,183 12

Amt. pd. a/c P. L. May, June, July, & Aug	$6,360 58		
" " " B. B. " " " " "	555 43		
" " " mis'l. " " " " "	146 50		
" " " former pay lists	3,768 90		
Amt. pd. a/c P. L. by store, May, June, July, & Aug	6,066 45		
" " " B. B. " " " " " "	2,836 84		
" " " misc'l. " " " " " "	20 75		
" " " amt. due col. " " " " (tickets)	614 65		
			$20,370 10

No. 15.

ANALYSIS OF DISBURSEMENTS, AS SHOWN BY EXHIBIT B.

Pay rolls for labor and services.

Pay lists at Keokuk "special"	$7,178 89	
Pay lists at works	234,218 81	
A. Whitney, personal pay lists	640 00	
Pay lists, extra labor:		
Civil engineers, blacksmithing, attorneys' fees, &c.	3,409 08	
Board bills for clerks, &c.	770 46	
		$246,217 24

Materials.

Materials for construction:		
Cement	$9,469 52	
Stone	2,478 42	
Sand	145 00	
		$12,092 94
Materials for prosecution:		
R. R. ties	811 32	
Rope, &c	1,551 27	
	2,362 59	
		$14,455 53
Tools & machinery:		
R. R. iron	14,463 22	
Tools, small, &c	7,052 05	
Derricks, &c	957 19	
		22,472 46
Towing, freights, express, &c		8,444 96
Supplies, oil, &c., coal, wood, powder		8,046 84
Hardware supplies, iron, steel, &c. (exclusive of tools)		4,515 48
Lumber		3,561 06
Boats, skiffs, oars, &c		1,169 61
Transportation, mules, wagons, horses		820 47
Feed for stock		1,478 90
Telegrams		1,438 07
Stamps, stationery, printing, &c		731 90
Rent of land, quarries, &c., taxes:		
Rent	2,000 00	
Taxes	607 20	
		2,607 20

Materials and articles furnished from Tenn. River store.

Articles for house	$880 32	
Materials for work	619 55	
		1,499 87
Ice		311 47
Traveling expenses		7,035 56

Interest, exchange, &c.

Interest	$10,931 26	
Exchange	297 45	
Protest fees	84 95	
	$11,313 66	
Interest on outstanding indebtedness to Jan'y 13th, 1879 (date of the act for the relief of the legal representatives of Geo. Williams)	1,374 95	
		12,688 61
		$337,495 23

No. 16.

[1st endorsement.]

Respectfully referred to the Chief of Engineers for remark.
By order of the Secretary of War.

H. T. CROSBY,
Chief Clerk.

WAR DEPT., *April* 11, '79.

No. 17.

In the matter of claim of the estate of Geo. Williams, deceased, against the United States, under recent act of Congress approved January 13th, 1879.

I, C. L. Williams, administrator of said estate, on my oath, make the following statement:

In 1876, when the work of building locks on the Tennessee River, in the Muscles Shoals Canal, was commenced, there had been *no work of a similar character done in that section of the country*, and it necessarily forced upon us the bringing to of a large number of men, and *establishing* this point as a place where laborers could procure work.

The labor used in building masonry is of itself high, and owing to *the unsettled state of the country, its unhealthy and rainy season*, it was very difficult not only to get laborers to the works but to keep them for any length of time after they were there, particularly so in reference to stone cutters and masons, all of whom had to be brought to the works, there being *no local labor there of that class*, so we were forced to pay higher prices than we otherwise would have done, though *not higher than others doing same kind of work at same time and place*, and not higher than ruling prices for labor at that time, taking all things into consideration.

Labor now, and since the United States Government has been at work, *is reduced in price much below what it was in* 1876 *&* '7; and in 1878, when the government took hold to do similar work to what ours had been, the following must not be overlooked, viz:

1*st*. *That labor of all class had been greatly reduced in price.*

2*nd*. That the government has NO OPPOSITION WORKS TO CONTEND WITH, SUCH AS WE HAD ALL THE TIME, and could necessarily FIX ITS OWN PRICE FOR LABOR.

3*rd*. That we had really settled the country and established it as a point for the working class to find labor, the government thereby having none of the troubles to contend with that were forced upon us from the beginning.

4*th*. It should also be borne in mind that the engineer in charge of the work was constantly urging forward the work, stating that more work must be done, more labor employed, &c.

Taking all into consideration as aforestated, I claim the work was done in a prudent and economical manner, and the prices paid were only in conformity with the time and place of doing the work.

And further to show that we had the strongest possible interest in securing cheap labor is that my father, George Williams, was losing large sums of money daily, even with the *utmost care, economy, and energy*, and I personally know and certify that we did the very best we could in the matter of rates paid for labor; furthermore, *it was entirely for our own interests that we should do the work for the least possible amount.*

C. L. WILLIAMS, *Adm'r.*

Sworn and subscribed to before me this 17th day of April, A. D., 1879.
[SEAL.]
ISRAEL KIMBALL, JR.,
Notary Public.

No. 18.

In the matter of the claim of the estate of George Williams, deceased, against the United States, under recent act of Congress, approved January 13th, 1879.

I, C. L. Williams, administrator of said estate, state on my oath that my father, the said George Williams, made his bids for contracts on the Muscle Shoals Canal under a misunderstanding as to the character of the work to be done, which misunderstanding grew out of his conversations with Major W. R. King, officer in charge of the works. As soon as the misunderstandings were discovered, it was seen that he, the said Williams, must lose heavily in the prosecution of the work, but he was determined to obey orders and complete the work so as to preserve his good name and credit, and to ease his bondsmen, and in completing the work his loss was *about* $106,000, and he died *owing about* $105,000, *fully nine-tenths of which indebtedness was contracted in the prosecution of the said work*, and which indebtedness *can never be paid except from proceeds of this claim.*

C. L. WILLIAMS, *Adm'r.*

Sworn and subscribed to before me this 17th day of April, 1879.
[SEAL.]
ISRAEL KIMBALL, JR.,
Notary Public.

No. 19.

Affidavits of C. L. Williams *in re* claim of estate of George Williams, dec'd, contractor for building locks in the Muscle Shoals Canal. Respectfully referred to the Acting Chief of Engineers.

G. W. M.

APRIL 17, '79.

No. 20.

OFFICE OF THE CHIEF OF ENGINEERS,
Washington, D. C., May 3, 1879.

Hon. GEO. W. MCCRARY,
Secretary of War:

SIR: I have the honor to return herewith the report of the board of engineers convened by S. O. Nos. 56 and 60, Headquarters of the Army, to take into consideration the claim of the late George Williams, deceased, for work done on the Muscle Shoals Canal and locks on the Tennessee River, which was referred to this office for remark. The report, with the papers accompanying it, as well as the records of this office relating to the subject, having been carefully considered, I have the honor to report thereon as follows:

The claim of Mr. Williams, having been originally presented to this office and decided upon adversely, was brought before Congress, and the act of January 13, 1879, for his relief was passed. The Committee on Claims of the House of Representatives, having the subject under consideration, called for any information concerning the same of record in the War Department, and in reply reports were furnished from the officers who made the contracts and under whom the work was executed, with a report from this office; all of which were adverse to the merits of the claim. With this information before it, the committee presented a report which was read in the House at the time of the passage of the bill, in which an entirely different view of the case was taken from that presented in the reports referred to. I am, therefore, forced to the conclusion that it was the intention of the law to make some allowance beyond what the terms of the contracts authorized.

The board, while of the opinion that upon the basis of the contracts alone a fair and just settlement has been made by the engineer officer, was satisfied that the act designed more than this, and has interpreted it as intending to cover all the losses incurred by the claimant in the prosecution of the works under the contracts with reasonable compensation for use of tools and for money advanced, and has made its award accordingly.

I am at a loss to see what other construction can be placed upon the terms of the law considered in the light of the report of the Committee on Claims of the House of Representatives; but as the action of the board is based mainly on an interpretation which may not be a correct one, I would suggest that the question be submitted to legal authority for the proper construction.

In view of the fact that the board found it impracticable to fix a definite sum as the actual "value of the work done," the officer in charge of the work, in compliance with instructions from this office, submitted a statement of "amounts" paid George Williams for work actually performed under each of his contracts for lock work, and by power of attorney under contract of M. G. Kennedy for section work, and 2d abstracts of bids made at the time of the letting of these contracts, computed on the basis of *actual* instead of estimated quantities.

This report of Captain King, dated April 26, 1879, with its inclosures, is submitted herewith, marked A A. By examining these abstracts of bids and selecting for comparison the proposals of those bidders only who in each case, *i. e.*, for the locks and for the section work, bid for all three locks and for all four sections, and aggregating the amounts of the proposals based upon the actual quantities, two tables have been prepared and are submitted, marked B B and C C. These tables show what each bidder would have received, and the amount of each may be assumed as his estimate of the cost of the work plus profit. Assuming these amounts as the value of the work according to the views and prices of these several contractors, and by a comparison of the values thus fixed by Kennedy for section work, and by Williams for lock work, with the mean of all the values of each fixed by all the bidders, it is found that the sum of the two, *i. e.*, of Kennedy and of Williams, which is the amount actually paid under the contracts, is less than the sum of the mean values by $71,675.57. It must be remarked, however, that for section work there had been paid to Kennedy prior to Williams assuming the work under power of attorney the sum of $20,041.41.

In regard to the "merits of the claim," the board reports * * * Upon the basis of the contracts alone it is the opinion of the board that a fair and just settlement has been made by the local engineer officer. But the large excess of expenditures by the contractor and his legal representatives, over and above the amount paid on account of the contracts, indicates a considerable loss, and in view of the spirit of the act of Congress, the claim is meritorious.

As the results derived from these two views of the "merits of the claim" differ so widely, and as Exhibit A, accompanying the report of the board is apparently a statement of the case prepared by the claimant, it seems proper that the views of the officer in charge of the improvement, touching the "merits of the claim," should also be considered, and I have therefore respectfully to submit herewith some extracts from a communication on the subject by that officer, addressed to the board, dated March 27th, 1879, and marked D D.

The board, while considering the expenditures of the claimant as in their *nature* reasonable and proper, is of the opinion that in *amount* they cannot always be called reasonable, and instances "traveling expenses" and three other items, aggregating nearly $24,000, which are deemed excessive. The board also thinks the wages paid were high, and attributes this in part to the high rate charged for board, viz, $4 per week, or 57 cents per day. By proper arrangements for boarding, the cost ought, in the opinion of the board, to have been diminished 25 cents per day, which, if deducted from rate of wages (leaving net amount of pay to the men the same), would have resulted in a saving on the rolls of $40,000. The workmen now employed on the works are boarded for $1.75 per week, or 25 cents per day.

While the expenditures for the above items seem to be excessive, it is quite impossible to pronounce definitely upon them at this time, when all the circumstances are so different. I am not therefore able to say how much, if anything, should be deducted from the award under these heads, and it seems to me doubtful whether any further examination which could now be made would result in a satisfactory determination of the question. It appears that the board did not doubt that the amounts charged under these heads were actually expended by the claimant, and it has therefore included them without deduction in its award. If the construction given by the board to the intent of the law be the correct one, it is difficult to see how any other decision could be arrived at.

It may be remarked also that the board was satisfied that the claimant had no pecuniary interest in the boarding of the men. This is learned from one of the members of the board, and not from the report itself.

No other remarks seem to be called for in connection with the report.

Very respectfully, your obedient servant,

H. G. WRIGHT,
Acting Chief of Engineers.

950 R. & H., 79.
1010 R. & H., 79.
1116 R. & H., 79.
(14 enclos.)

No. 21.

U. S. ENGINEER OFFICE,
Chattanooga, Tenn., April 26, 1879.

To the CHIEF OF ENGINEERS, U. S. A.,
Washington, D. C.:

GENERAL: In compliance with your letter of 16 of April, I have the honor to enclose herewith—

1st. A statement of "amounts" paid George Williams for work actually performed under each of his contracts for lock-work, and, by power of attorney under contract of M. G. Kennedy for work on sections 3, 4, 5, and 6; and,

2nd. Abstracts of bids made at the time of the letting of these contracts, computed on the basis of *actual* instead of *estimated* quantities.

Messrs. R. G. Houston and Co., who would have been the lowest bidders (on the basis of actual quantities) on section 3, and next lowest on sections 4, 5, and 6, are responsible parties, having had contracts in this vicinity during the last three years amounting to from one and a half to two million dollars.

Very respectfully, your obedient servant,

W. R. KING,
Captain of Engineers.

(3 inclosures).

No. 23.

AA.—*Abstract of bids for locks Nos. 2, 3, & 4, Muscle Shoals Canal, with the actual quantities of work done under contracts of George Williams.*

No. of bid.	Name of bidder.	No. of lock bid for.	EXCAVATION. EARTH. Lock 2. 1,471.3 c. yds. " 3. 13,592.78 " " " 4. 7,632 " "			EXCAVATION. SOLID ROCK. Lock 2. 3,717.7 c. yds. " 3. 1,855.81 " " " 4. 2,122.8 " "			EXCAVATION. OLD LOCKS. Lock 2. 907.48 c. yds. " 3. 2,196.82 " " " 4. 2,125.41 " "			MASONRY. CUT STONE. Lock 2. 1,341.422 c. yds. " 3. 2,162.685 " " " 4. 2,083.479 " "			MASONRY. RUBBLE. Lock 2. 1,609 944 c. yds. " 3. 4,601.6 " " " 4. 4,848.226 " "			MASONRY. CONCRETE. Lock 2. 101.04 c. yds. " 3. 39.9 " " " 4. ..... " "			Total.		ALLOWANCES. Stone from old locks used as "*facing.*" Lock 2. ..... c. yds. " 3. ..... " " " 4. 10.74 " "			ALLOWANCES. Stone from old locks used as "*backing.*" Lock 2. ..... c. yds. " 3. 317.4 " " " 4. 479.99 " "			Total allowances.		Total less allowances.	
			Per c. yd.	Dollars.	Cts.	Per c. yd.	Dollars.	Cts.	Per c. yd.	Dollars.	Cts.	Per c. yd.	Dollars.	Cts.	Per c. yd.	Dollars.	Cts.	Per c. yd.	Dollars.	Cts.	Dollars.	Cts.	Per c. yd.	Dollars.	Cts.	Per c. yd.	Dollars.	Cts.	Dollars.	Cts.	Dollars.	Cts.
1	S. N. Kimball	No. 2	$1 50	2,206	95	$1 50	5,576	55	$1 00	907	48	$14 00	18,779	91	$9 00	14,489	50	$9 00	909	36	42,869	75	$6 00	.....	...	$3 00	.....	...	.....	...	42,869	75
	" " "	" 3	1 50	20,389	17	1 50	2,783	71	1 00	2,196	82	14 00	30,277	59	9 00	41,414	40	9 00	359	10	97,420	79	6 00	.....	...	3 00	952	20	952	20	96,468	59
	" " "	" 4	1 50	11,448	00	1 50	3,184	20	1 00	2,125	41	14 00	29,168	71	9 00	43,634	03	9 00	.....	...	89,560	35	6 00	64	44	3 00	1,439	97	1,504	41	88,055	94
2	Offutt, Morgan & McCalla	" 4	30	2,289	60	1 50	3,184	20	1 50	3,188	11	16 00	33,335	66	9 00	43,634	03	5 50	.....	...	85,631	60	3 00	32	22	1 00	479	99	512	21	85,119	39
3	Shanks & Terry	" 2	50	735	65	1 00	3,717	70	2 50	2,268	70	22 50	30,182	00	8 00	12,879	55	8 00	808	32	50,591	92	10 00	.....	...	50	.....	..	.....	..	50,591	92
4	" "	" 3	50	6,79	39	1 00	1,855	81	2 50	5,492	05	22 50	48,660	41	8 00	36,812	80	8 00	319	20	99,936	66	10 00	.....	...	50	158	70	158	70	99,777	96
5	Condon & McCalla	" 2	30	441	39	1 50	5,576	55	1 50	1,361	22	18 00	24,145	60	9 00	14,489	50	6 00	606	24	46,620	56	3 00	.....	...	1 00	.....	...	.....	...	46,620	50
6	" "	" 3	30	4,077	83	1 50	2,783	71	1 50	3,295	23	18 00	38,928	33	9 00	41,414	40	6 00	239	40	90,738	90	3 00	.....	...	1 00	317	40	317	40	90,421	50
7	Hill, Walker & McKechney	" 2	35	514	96	1 25	4,647	12	75	680	61	14 00	18,779	91	10 00	16,099	44	3 50	353	64	41,075	68	2 75	.....	...	1 25	.....	...	.....	...	41,075	68
	" " "	" 3	35	4,757	47	1 25	2,319	76	75	1,647	62	14 00	30,277	59	10 00	46,016	00	3 50	139	65	85,158	09	2 75	.....	...	1 25	396	75	396	75	84,761	34
	" " "	" 4	35	2,671	20	1 25	2,653	50	75	1,594	06	14 00	29.168	71	10 00	48,482	26	3 50	.....	...	84,569	73	2 75	29	54	1 25	599	99	629	53	83,940	20
8	William Patrick	" 2	50	735	65	2 00	7,435	40	1 00	907	48	15 00	20,121	33	8 00	12,879	55	6 00	606	24	42,685	65	8 00	.....	...	2 50	.....	...	.....	..	42,685	65
9	" "	" 3	50	6,796	39	2 00	3,711	62	1 00	2,196	82	15 00	32,440	27	8 00	36,812	80	6 00	239	40	82,197	30	8 00	.....	...	2 50	793	50	793	50	†81,403	80
10	" "	" 4	50	3,816	00	2 00	4,245	60	1 00	2,125	41	15 00	31.252	19	8 00	38,785	81	6 00	.....	..	80,225	01	8 00	85	92	2 50	1,199	98	1,285	90	†78,939	11
11	Josiah W. Kittle	" 2	45	662	09	1 85	6,877	74	1 40	1,270	47	19 50	26,157	73	11 90	19,158	33	5 90	596	14	54,722	50	9 00	.....	...	2 00	.....	..	.....	...	54,722	50
12	" "	" 3	45	6,116	75	1 85	3,433	25	1 40	3,075	55	19 50	42,172	36	11 90	54,759	04	5 90	235	41	109,792	36	9 00	.....	..	2 00	634	80	634	80	109,157	56
13	Farris & Garfield	" 4	35	2,671	20	1 50	3,184	20	75	1,594	06	20 00	41,669	58	12 00	58,178	71	7 00	.....	...	107,297	75	10 00	107	40	3 00	1,439	97	1,547	37	105,750	38
14	" "	" 3	40	5,437	11	1 50	2,783	71	75	1,647	62	20 00	43,253	70	12 00	55,219	20	7 00	279	30	108,620	64	10 00	.....	...	3 00	952	20	952	20	107,668	44
15	" "	" 2	35	514	96	1 50	5,576	55	75	680	61	19 00	25,487	02	11 00	17,709	38	7 00	707	28	50,675	80	10 00	.....	..	3 00	.....	..	.....	..	50,675	80
16	James E. Slaughter	" 2	50	735	65	2 00	7,435	40	1 10	998	23	13 00	17,438	49	8 00	12,879	55	10 00	1,010	40	40,497	72	3 00	.....	..	1 50	.....	..	.....	..	†40,497	72
	" " "	" 3	50	6,796	39	2 00	3,711	62	1 10	2,416	50	13 00	28,114	91	8 00	36 812	80	10 00	399	00	78,251	22	3 00	.....	...	1 50	476	10	476	10	*77,775	12
	" " "	" 4	50	3,816	00	2 00	4,245	60	1 10	2,337	95	13 00	27,085	23	8 00	38,785	81	10 00	.....	...	76,270	59	3 00	32	22	1 50	719	99	752	21	*75,518	38
17	Cox Bros	" 2	60	882	78	2 25	8,364	83	2 00	1,814	96	38 00	50,974	04	8 00	12,879	55	8 00	808	32	75,724	48	10 00	.....	...	2 00	.....	...	.....	...	75,724	48
18	" "	" 3	60	8,155	66	2 25	4,175	57	2 00	4,393	64	38 00	82,182	03	8 00	36,812	80	8 00	319	20	136,038	90	10 00	.....	...	2 00	634	80	634	80	135,404	10
19	" "	" 4	60	4,579	20	2 25	4,776	30	2 00	4,250	82	38 00	79,172	20	8 00	38,785	81	8 00	.....	...	131,564	33	10 00	107	40	2 00	959	98	1,067	38	130,496	95
20	H. D. B. Norris	" 2	75	1,103	48	2 00	7,435	40	1 00	907	48	16 00	21,462	75	10 00	16,099	44	7 00	707	28	47,715	83	5 00	.....	...	2 50	.....	...	.....	...	47,715	83
	" " "	" 3	75	10,194	59	2 00	3,711	62	1 00	2,196	82	16 00	34,602	96	10 00	46,016	00	7 00	279	30	97,001	29	5 00	.....	...	2 50	793	50	793	50	96,207	79
	" " "	" 4	75	5,724	00	2 00	4,245	60	1 00	2,125	41	16 00	33,335	66	10 00	48,482	26	7 00	.....	...	93,912	93	5 00	53	70	2 50	1,199	98	1,253	68	92,659	25
21	George Williams	" 2	25	367	82	1 00	3,717	70	1 00	907	48	14 00	18,779	91	7 00	11,269	61	5 00	505	20	35,547	72	2 00	.....	..	1 00	....	..	.....	..	35,547	72
22	" "	" 3	50	6,796	39	2 00	3,711	62	1 00	2,196	82	16 00	34,602	96	7 00	32,211	20	7 00	279	30	79,798	29	2 00	.....	...	1 00	317	40	317	40	79,480	89
23	" "	" 4	50	3,816	00	2 00	4,245	60	1 00	2,125	41	16 00	33,335	67	7 00	33,937	58	7 00	.....	...	77,460	26	2 00	21	48	1 00	479	99	501	47	76,958	79
24	Matthew G. Kennedy	" 3	75	10,194	59	2 00	3,711	62	1 00	2,196	82	18 00	38,928	33	11 00	50,617	60	10 00	399	00	106,047	96	5 00	.....	...	2 00	634	80	634	80	105,413	16
	" " "	" 4	75	5,724	00	2 00	4,245	60	1 00	2,125	41	18 00	37,502	62	11 00	53,330	49	10 00	.....	...	102,928	12	5 00	53	70	2 00	959	98	1,013	68	101,914	44
25	Timothy Ford	" 2	38	559	09	1 50	5,576	55	2 20	1,996	46	18 75	25,151	66	11 80	18,514	36	5 85	591	08	52,389	20	7 50	.....	...	2 50	.....	..	.....	...	52,389	20

Bids marked * are *below*, and those marked † are next above those of George Williams.

(H. Ex. 56—Face p. 71.)

No. 22.

AA.

Amount paid George Williams for work actually performed under contracts of George Williams and Matthew G. Kennedy.

Lock No. 2		35,547 72
" " 3		79,480 89
" " 4		76,958 79
Paid on locks under the original terms of contract		$191,987 40
Under modifications—"extra work"		9,933 36
Total paid lock work		$201,920 76
Section 3	$10,674 78	
" 4	7,686 31	
" 5	4,755 44	
" 6	2,587 23	
Total paid section-work	$25,703 76	
Grand total		$227,624 52

Payments prior to August 11, 1876—date of power of attorney to Geo. Williams—were made to Matthew G. Kennedy as follows (section-work):

Sec. 3	$1,398 23
" 4	1,336 23
" 5	8,855 22
" 6	8,451 73
Total paid M. G. Kennedy in person	20,041 41
Paid to M. G. Kennedy	$20,041 41
Geo. Williams, att'y	25,703 76
Total section-work	$45,745 17

No. 24.

AA.—*Abstract of bids for sections Nos. 3, 4, 5, & 6, Muscle Shoals Canal, based upon the actual quantities of work done under contract of Matthew G. Kennedy.*

No. of bid.	Name of bidder.	No. of section bid for.	Grubbing & clearing: Section 3. 15.22 acres. " 4. 12.88 " " 5. 13.8 " " 6. 13.4 "			Earth excavation: Section 3. 10,073.9 c. yds " 4. 23,597.5 " " " 5. 60,249 " " " 6. 53,329.8 " "			Rock excavation: Section 3. 5,246.1 c. yds. " 4. 3,304.1 " " " 5. 465.5 " " " 6. ——			Earth embankment: Section 3. 17,196.7 c. yds " 4. 7,531.9 " " " 5. 23,652 " " " 6. 23,875.3 " "			Slope wall: Section 3. 1,311.8 c. yds. " 4. 417 " " " 5. 671.9 " " " 6. ——			Total amount.	
			Per acre.	Dollars.	Cts.	Per c. yd.	Dollars.	Cts	Per c. yd.	Dollars.	Cts.	Per c. yd.	Dollars.	Cts.	Per c. yd.	Dollars.	Cts.	Dollars.	Cts.
1	J. A. Taylor & J. Walker	3	$30 00	456	60	$0 25	2, 518	48	$1 10	5, 770	71	$0 25	4, 299	18	$4 00	5, 247	20	18, 294	17
	" " " " "	4	30 00	386	40	25	5, 899	38	1 10	3, 634	51	25	1, 882	98	4 00	1, 668	00	13, 471	27
2	R. G. Huston & Co	3	45 00	684	90	22	2, 216	25	1 20	6, 295	32	05	859	84	1 50	1, 967	70	12, 024	01
	" " " "	4	45 00	579	60	22	5, 191	45	1 25	4, 130	13	05	376	60	95	396	15	10, 673	93
	" " " "	5	40 00	552	00	22	13, 254	78	1 20	558	60	05	1, 182	60	1 00	671	90	16, 219	88
	" " " "	6	45 00	603	00	21	11, 199	25	1 50	.....	....	05	1, 193	76	1 00	.....	....	12, 996	01
3	Myer & Hay	5	200 00	2, 760	60	23	13, 857	27	90	418	95	40	9, 460	80	3 00	2, 015	70	28, 512	72
	" "	6	200 00	2, 680	00	28	14, 932	34	95	.....	....	30	7, 162	59	2 75	.....	....	24, 774	93
4	Heman Clarke	3	150 00	2, 283	00	25	2, 518	47	No bid.	.....	....	40	6, 878	68	5 00	6, 559	00	.....	....
	" "	4	150 00	1, 932	00	26	6, 135	35	2 00	6, 608	20	30	2, 259	57	5 00	2, 085	00	19, 020	12
	" "	5	150 00	2, 070	00	25	15, 062	25	2 00	931	00	40	9, 460	80	5 00	3, 359	50	30, 883	55
	" "	6	150 00	2, 010	00	25	13, 332	45	2 50	.....	....	30	7, 162	59	5 00	.....	....	22, 505	04
5	American Dredging Co	3	350 00	5, 327	00	33	3, 324	39	No bid.	.....	...	30	5, 159	01	2 00	2, 623	60	.....	....
	" " "	4	350 00	4, 508	00	33	7, 787	18	1 45	4, 790	94	30	2, 259	57	2 00	834	00	20, 179	69
	" " "	5	350 00	4, 830	00	33	19, 882	17	1 45	674	98	30	7, 095	60	2 00	1, 343	80	33, 826	55
	" " "	6	350 00	4, 690	00	33	17, 598	83	1 45	.....	...	30	7, 162	59	2 00	.....	....	29, 451	42
6	John H. Tobler	3	45 00	684	90	35	3, 525	87	1 00	5, 246	10	40	6, 878	68	3 75	4, 919	25	21, 254	80
	" " "	4	45 00	579	60	30	7, 079	25	1 00	3, 304	10	32	2, 410	20	3 50	1, 459	50	14, 832	65
	" " "	5	45 00	621	00	20	12, 049	80	92	428	26	23	5, 439	96	2 00	1, 343	80	19, 882	82
	" " "	6	45 00	603	00	30	15, 998	94	1 00	.....	....	32	7, 640	09	2 25	.....	....	24, 242	03
7	G. D. Hamilton	3	22 00	334	84	23	2, 316	99	No bid.	.....	...	23	3, 955	24	60	787	08	.....	....
	" " "	4	24 00	309	12	24	5, 663	40	1 86	6, 145	62	24	1, 807	65	50	208	50	14, 134	29
	" " "	5	22 00	303	60	26	15, 664	74	1 95	907	73	26	6, 149	52	45	302	35	23, 327	94
	" " "	6	24 00	321	60	27	14, 399	04	2 00	.....	....	27	6, 446	33	55	.....	....	21, 166	97
8	Frederick H. Cobb	3	300 00	4, 566	00	24	2, 417	73	1 35	7, 082	23	33	5, 674	91	1 23	1, 613	51	21, 354	38
		4	250 00	3, 220	00	24½	5, 781	39	1 35	4, 460	53	33	2, 485	52	1 20	500	40	16, 447	84
		5	80 00	1, 104	00	24	14, 459	76	1 35	628	42	29	6, 859	08	1 25	839	88	23, 891	14
		6	400 00	5, 360	00	25	13, 332	45	1 35	.....	....	26	6, 207	57	1 22	.....	....	24, 900	02
9	Keith & McBean	3	225 00	3, 424	50	28	2, 820	69	No bid.	.....	....	45	7, 738	51	2 50	3, 279	50	.....	....
	" "	4	225 00	2, 898	00	27	6, 371	32	1 25	4, 130	12	40	3, 012	76	2 00	834	00	17, 246	20
	" "	5	225 00	3, 105	00	27	16, 267	23	1 25	581	87	40	9, 460	80	2 25	1, 511	77	30, 926	67
	" "	6	225 00	3, 015	00	27	14, 399	04	2 25	.....	....	35	8, 356	35	2 50	.....	....	25, 770	39
11	Eves, McGinty & Co	6	20 00	268	00	37	19, 730	02	2 25	.....	....	40	9, 550	12	3 00	.....	....	29, 548	14

12	Matthew G. Kennedy	3	35	00	532	70	14	1,410	34	1	10	5,770	71	12	2,063	60	1	75	2,295	65	12,073	01
	" " "	4	35	00	450	80	14	3,303	65	1	10	3,634	51	12	903	82	1	75	729	75	9,028	54
	" " "	5	35	00	483	00	14	8,434	86		95	442	22	13	3,074	76	1	75	1,175	82	13,610	66
	" " "	6	35	00	469	00	14	7,466	17		95			13	3,103	78	1	75			11,038	96
13	John H. Gutches	3	120	00	1,826	40	33	3,324	38	1	30	6,819	93	45	7,738	51	1	60	2,098	88	21,808	10
	" " "	4	120	00	1,545	60	32½	7,669	18	1	30	4,295	33	45	3,389	35	1	20	500	40	17,399	86
	" " "	5	85	00	1,173	00	24¾	14,911	62	1	30	605	15	40	9,460	80		85	571	11	26,721	68
	" " "	6	85	00	1,139	00	26	13,865	74	1	35			40	9,550	12		80			24,554	86
14	Boyle & Roach	3	65	00	989	30	25	2,518	47	3	00	15,738	30	15	2,579	50	2	00	2,623	60	24,449	17
	" "	4	65	00	837	20	25	5,899	38	1	75	5,782	17	15	1,129	78	1	00	417	00	14,065	53
	" "	5	65	00	897	00	25	15,062	25	1	75	814	62	15	3,547	80	1	00	671	90	20,993	57
	" "	6	65	00	871	00	25	13,332	45	2	00			15	3,581	29	1	50			17,784	74
15	T. Ford & Co	3	30	00	456	60	24	2,417	73	1	20	6,295	32	33	5,674	91	1	95	2,558	01	17,402	57
	" " "	4	40	00	515	20	24	5,663	40	1	28	4,229	24	30	2,259	57	1	95	813	15	13,480	56
	" " "	5	40	00	552	00	24	14,459	76	1	23	572	56	24	5,676	48	1	95	1,310	20	22,571	00
	" " "	6	40	00	536	00	24	12,799	15	1	20			05	1,193	76	1	75			14,528	91
16*	Geo. Williams	3	40	00	608	80	30	3,022	17	No bid.				50	8,598	35	2	00	2,623	60		
	" "	4	40	00	515	20	30	7,079	25	2	00	6,608	20	40	3,012	76	3	00	1,251	00	18,466	41
	" "	5	40	00	552	00	30	18,074	70	2	00	931	00	40	9,460	80	2	00	1,343	80	30,362	30
	" "	6	40	00	536	00	35	18,665	43	2	00			40	9,550	12	2	00			28,751	55
17	Foster, Wiehl & Jackson	3	30	00	456	60	25	2,518	47	No bid.				15	2,579	50	2	50	3,279	50		
	" " "	4	30	00	386	40	25	5,899	38	1	50	4,956	15	15	1,129	78	2	50	1,042	50	13,414	21
	" " "	5	20	00	276	00	20	12,049	80	1	50	698	25	15	3,547	80	2	00	1,343	80	17,915	65
	" " "	6	20	00	268	00	20	10,665	96	1	50			15	3,581	29	1	50			14,515	25
18	S. N. Kimball	3	100	00	1,522	00	25	2,518	47	No bid.				35	6,018	84	3	00	3,935	40		
	" " "	4	100	00	1,288	00	22½	5,309	43	1	00	3,304	10	30	2,259	57	3	00	1,252	00	13,412	10
	" " "	5	100	00	1,380	00	20	12,049	80	1	00	465	50	30	7,095	60	3	00	2,015	70	23,006	60
	" " "	6	75	00	1,005	00	20	10,665	96		50			20	4,775	06	1	50			16,446	02
19	H. D. B. Norris	3	75	00	1,141	50	30	3,022	17	No bid.				30	5,159	01	2	90	3,804	22		
	" " " "	4	75	00	966	00	22	5,191	45	1	00	3,304	10	30	2,259	57	2	90	1,209	30	12,930	42
	" " " "	5	75	00	1,035	00	20	12,049	80		75	349	02	30	7,095	60	2	90	1,948	51	22,477	93
	" " " "	6	75	00	1,005	00	20	10,665	96		75			25	5,968	82	2	90			17,639	78
20	James E. Slaughter	3	90	00	1,369	80	20	2,014	78	No bid.				35	6,018	84	3	00	3,935	40		
	" " "	4	90	00	1,159	20	22	5,191	45	1	75	5,782	17	35	2,636	16	3	00	1,251	00	16,019	98
	" " "	5	90	00	1,242	00	22	13,254	78	2	00	931	00	30	7,095	60	3	00	2,015	70	24,539	08
	" " "	6	50	00	670	00	22	11,732	55	2	00			30	7,162	59	3	00			19,565	14
21	James Keigwin & Chas. E. Clarke	3	200	00	3,044	00	35	3,525	87	No bid.				15	2,579	50	2	50	3,279	50		
	" " " " " "	4	200	00	2,576	00	35	8,259	12	1	50	4,956	15	15	1,129	78	2	00	834	00	17,755	05
	" " " " " "	5	60	00	828	00	27	16,267	23	1	24	577	22	10	2,365	20	1	99	1,337	08	21,374	73
	" " " " " "	6	100	00	1,340	00	30	15,998	94	1	30			10	2,387	53	2	00			19,726	47
22	R. C. McCalla	3	55	00	837	10	25	2,518	47	No bid.				35	6,018	84	3	00	3,935	40		
	" " "	4	55	00	708	40	25	5,899	38	1	25	4,130	12	35	2,636	16	3	00	1,251	00	14,625	06
	" " "	5	50	00	690	00	24	14,459	76		75	349	02	34	8,041	68	3	00	2,015	70	25,556	16
	" " "	6	50	00	670	00	23½	12,532	50		50			33½	7,998	22	3	00			21,200	72
	* Bids for sections 1, 2, 3, 4, 5, 6, & 7, in the aggregate, were made as follows:																					
	Geo. Williams, (7 sec's)		40	00			28			1	75			40			1	75				
	S. N. Kimball (7 sec's)		100	00			23				50			30			3	00				

No. 24.

AA.—*Abstract of bids for sections Nos.* 3, 4, 5, *&* 6, *&c.*—Continued.

No. of bid.	Name of bidder.	No. of section bid for.	Grubbing & clearing: Section 3. 15.22 acres. " 4. 12.88 " " 5. 13.8 " " 6. 13.4 "			Earth excavation: Section 3. 10,073.9 c.yds " 4. 23,597.5 " " " 5. 60,249 " " " 6. 53,329.8 " "			Rock excavation: Section 3. 5,246.1 c. yds. " 4. 3,304.1 " " " 5. 465.5 " " " 6. ——			Earth embankment: Section 3. 17,196.7 c.yds " 4. 7,531.9 " " " 5. 23,652 " " " 6. 23,875.3 " "			Slope wall: Section 3. 1,311.8 c. yds. " 4. 417 " " " 5. 671.9 " " " 6. ——			Total amount.	
			Per acre.	Dollars.	Cts.	Per c. yd.	Dollars.	Cts.	Per c. yd.	Dollars.	Cts.	Per c. yd.	Dollars.	Cts.	Per c. yd.	Dollars.	Cts.	Dollars.	Cts.
23	Shehan & Loler	3	$30 00	456	60	$0 42	4,231	03	$1 50	7,869	15	$0 40	6,878	68	$5 00	6,559	00	25,994	46
	" "	4	30 00	386	40	42	9,910	95	1 50	4,956	15	40	3,012	76	5 00	2,085	00	20,351	26
	" "	5	30 00	414	00	33	19,882	17	1 40	651	70	40	9,460	80	5 00	3,359	50	33,768	17
	" "	6	30 00	402	00	31	16,532	23	1 40	.....	....	40	9,550	12	5 00	.....	....	26,484	35
24	Jos. P. Coyne & Co	5	45 00	621	00	25½	15,363	49	1 20	558	60	10	2,365	20	2 50	1,679	75	20,588	04
	" " " "	6	45 00	603	00	24½	13,065	80	1 10	.....	....	05	1,193	76	2 50	.....	....	14,862	56

NOTE.—Lowest bidder on sec. 3, R. G. Huston & Co.
" " " " 4, M. G. Kennedy.
" " " " 5, " " "
" " " " 6, " " "

No. 25.

BB.

Table showing what each bidder for sections 3, 4, 5, and 6, Muscle Shoals Canal, would have received upon his bid for work actually done and paid for under the contract of M. G. Kennedy, for whom Williams was the attorney.

R. G. Huston and Co	$51,913 83
John H. Tobler	80,212 30
Frederick H. Cobb	86,593 38
Matthew G. Kennedy	45,745 17
John H. Gutches	90,484 50
Boyle and Roach	77,293 01
T. Ford and Co	67,983 04
Shehan and Loler	106,598 24
8)606,823 47	
	$75,852 93

No. 26.

CC.

Table showing what each bidder for locks 2, 3, and 4, Muscle Shoals Canal, would have received for work actually done and paid for under the contract of Geo. Williams for the construction of those locks.

S. N. Kimball	$227,394 28
Hill, Walker & McKechney	209,777 22
William Patrick	203,028 56
Farris & Garfield	264,094 62
James E. Slaughter	193,791 22
Cox Bros	341,625 53
H. D. B. Norris	336,582 87
George Williams	191,987 40
8)1,868,281 70	
Mean of bids	233,535 21

No. 27.

[First indorsement.]

This report & the accompanying report of the board of engineers referred to herein are respectfully referred to the Judge-Advocate-Genl. of the Army for an opinion as to whether the act of Congress of January 13, 1879, "for the relief of the legal representatives of George Williams, deceased," has been carefully construed by said board and by the Acting Chief of Engineers as intended to cover all the actual losses incurred by the claim ant in the prosecution of the works mentioned in said act, together with reasonable compensation for use of tools & for money advanced.

GEO. W. McCRARY,
Secretary of War.

WAR DEPT., *May* 5, '79.

No. 28.

BUREAU OF MIL. JUSTICE,
May 9, 1879.

Respectfully returned to the Secretary of War.

On reading & considering the within act in connection with the reports and other papers in the case, I am of opinion that it was the intention of Congress to authorize

the Secretary of War, in his settlement with George Williams, to allow him for his "actual expenditures" (so far as reasonable and just) in building the locks referred to, whether the same were required or justified under the original contracts, or not. The words "*on contract*," originally in the bill, were struck out in the Senate, and are not in the bill as passed; and from this fact, in connection especially with the terms of the report made by the House Committee on Claims, I infer that it was the intention of Congress that the claim should be adjusted upon a *quantum meruit* or equitable basis, irrespective, so far as concern the items of "actual expenditures," "compensation for tools," and "money advanced," of the terms of the contracts formerly made for the building of said locks. But no "losses" other than included in these three items were, in my opinion, designed to be allowed for.

W. M. DUNN,
Judge-Advocate-General.

No. 29.

KEOKUK, IA, *May* 15th, 1879.

HON. GEORGE W. MCCRARY,
Secretary of War, Washington, D. C.:

DEAR SIR: In referring to the board of engineers my claim for the purpose of ascertaining what, if any, *part of the amounts* of "the actual expenditures" found by the board in their former report are unreasonable and unjust, I submit that the board ought to be informed as to what constitute reasonable expenditures within the meaning of the act of Congress. The board have found what "the actual expenditures" were and that such expenditures in their nature are reasonable, but has simply expressed a doubt as to whether certain items mentioned in their report are *in their amounts* reasonable.

I am advised, and believe, and therefore submit for your consideration, that "reasonable expenditures" within the meaning of said act of Congress are such expenditures as a reasonable business man of ordinary prudence during the same period and under the same circumstances would have made.

If the prices paid by this claimant and his intestate, George Williams, were such *in their amounts* (the board having found they were reasonable in their natures) as a reasonable business man of ordinary prudence would have paid under similar circumstances, then I am entitled to allowances therefor.

Yours, very respectfully,

C. L. WILLIAMS,
Admr. Estate of George Williams, dec'd.

No. 30.

In reference to the item of "rate charged for boarding men," spoken of in the report of the board appointed to examine accounts of George Williams, deceased, &c., I, C. L. Williams, admr., make the following statement:

1st. Their statement that about $40,000 loss might have occurred if the price had been reduced, &c. They make their calculations on the supposition that there was about 160,000 working days, and at a reduced rate of 25c. per day would equal $40,000.

In answer would state that a conclusion *could not* be arrived at in that way, for the reason that fully ⅔ of the men employed *boarded themselves*, and it was entirely optional with the men where or how they should board. On public works, when men are coming and going all the time, 50c. per day is a fair average price for such boarding, and I know of none that have cheaper rates. Also, the class of men that stayed at the boarding-houses were whites or better class of laborers, and they are very particular about their meals; the colored class, with few or no exceptions, boarded themselves.

2nd. I state that the price charged was fair and just and *the very lowest it could be done for at that time*, taking into consideration the expense of transporting rations, &c., to the works. Had our commissary have lost money, I doubt if said loss would have been considered *as an expenditure*, but the small profit that was made *was deducted* from the gross balance of expenditures over receipts; and, further, this profit was made, not from rations furnished for boarding of men, but by notions and small goods bought by the laborers themselves and outsiders from the country. Although no account was kept separately, I have no hesitation in saying that for goods furnished for *boarding* men we sustained a loss.

3rd. When the subject is brought forward, comparing present rates charged for boarding men as now done by the gov. and the prices we charged, the following must be considered: That rates of transportation of all kinds and descriptions now, compared

with what it has been, are very much reduced, and the gov. has the advantage of this and the means that we brought about to get such reductions, and they take advantage of the routes *we opened and established* to get to the works *without any expense on their part;* also, that on account of the great loss sustained by carrying on the works we were crippled for money, and although the capital invested in the commissary was separate and distinct from that in the works, we were obliged to use *the former in the latter*, and necessarily obliged to buy some of our goods on time, and thereby pay interest, although the works owed the store, while with the gov. they are not obliged to. Outside of that we bought our goods as low as any one doing the same amt. and kind of business.

Very truly,

C. L. WILLIAMS.

To the Hon. Sec'y of War, GEO. W. MCCRARY.

No. 31.

[PRIVATE—NO. 9.]

AN ACT for the relief of the legal representatives of George Williams, deceased.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be, and is hereby, authorized to adjust and settle, upon just and equitable terms, the claim of George Williams, for balance due for building locks two, three, and four of Muscle Shoals Canal, on Tennessee River, and on a contract for section-work done under power of attorney from Matthew G. Kennedy: *Provided*, That in making said settlement the said Secretary of War shall not allow the legal representatives of said George Williams, deceased, more than his actual expenditures, with reasonable compensation for the use of tools, and for money advanced in the prosecution of said work: *And provided further*, That no allowance or payment shall be made under this act except in pursuance of a recommendation of a board of not less than three engineers, to be appointed by the Secretary of War, to inquire into and report upon the character and value of the work done, and the merits of the claim.

Approved January 13th, 1879.

Respectfully referred to the two senior members of the board of engineers who signed this report for further consideration, in view of the opinion of the Judge-Advocate-General herewith.

They will meet in Washington without unnecessary delay, and in case of disagreement between them, the Acting Chief of Engineers will act as umpire.

They will make further inquiry as to the reasonableness of the expenditures of the contractor, George Williams, and his legal representatives, and will consider such sworn statements and other proofs as may be submitted, including the accompanying affidavits of J. H. S. Dale and C. L. Williams, administrator, &c., and they may take such measures as may be deemed by them best to ascertain the facts.

They will report whether any, and, if any, what, deduction should be made from the sum of the actual expenditures under the rule laid down by the Judge-Advocate-General, namely, that there should be allowed actual expenditures, so far as reasonable and just.

G. W. MCCRARY,
Secretary of War.

WAR DEPT., *May 21st*, '79.

No. 32.

IN THE MATTER OF C. L. WILLIAMS, administrator of the estate of George Williams, deceased,
against
THE UNITED STATES OF AMERICA.

Before Col. J. N. Macomb and Gen'l O. M. Poe, of board of engineers, having under consideration above-entitled claim, pursuant to instructions of the Hon. "The Secretary of War," under act of Congress approved January 13th, 1879, entitled "An act for the relief of the legal representatives of George Williams, deceased."

THE STATE OF IOWA,
The County of Lee, sct.:

I, C. L. Williams, on oath say I am, in the capacity of administrator of the estate of George Williams, deceased, the claimant in the above-entitled case. I make part hereof my former affidavit, made before the said board of engineers, and here solemnly reaffirm the truth of each and all of the allegations therein set forth.

I especially recall the attention of this hon. board of engineers to that portion of the affidavit (Subdivision IV) formerly made by me touching upon the economy and reasonableness of the "actual expenditures" made by the said Williams, and, since his death, by me as his legal representative, for and on account of the section work and lock work involved in this controversy.

I understand that the board are now only to consider whether "the actual expenditures" heretofore found by the board as having been made by the said Williams, and since his death by me as his legal representative, are in their amounts reasonable and just. The finding of the board that they were reasonable in their nature is not questioned. The board has found that the expenditures were actually made.

As to the items mentioned in the former report of the board, and about which doubts are expressed as to their reasonableness in their amounts, which items are as follows, namely:

Traveling expenses	$7,035 56
Telegrams	1,438 07
Interest & exchange	12,688 61
Boats, skiffs, &c	1,169 61
Feed for stock	1,478 90

I make the following statement:

First, as to "traveling expenses." I have heretofore submitted to the board, and they have examined, the vouchers for the items aggregating the amount charged as traveling expenses.

All of these items, as set forth in Exhibit B with my former affidavit, are true and just, and were actually expended for traveling expenses in connection with said work, and the amounts so expended were reasonable and just.

Under the head of "traveling expenses," in said Exhibit B, are included not only the traveling expenses of A. Whitney, C. S. Whitney, George Williams, and myself, but also the transportation of men who were taken to the works from various points and employed by us on the works. It was absolutely necessary for some one of the above-named parties, that is, A. Whitney, C. S. Whitney, George Williams, or myself, to pay for the transportation of these men, who were thus taken to the works, because we could not trust them with the money, for if they had received the money they would probably have gone to some other works. It was absolutely necessary for us to get a large portion of our laborers in this way, and at that time we could have procured the necessary number of laborers in no other way. I personally know that in many instances the transportation of laborers was paid in this way.

We took from Keokuk, Iowa, a large number of experienced laborers, who had been engaged on the canal at Keokuk, and whom we knew to be capable of doing the kind of work required at "The Muscle Shoals," and paid their transportation, which is included in the items of traveling expenses.

Second, as to "telegrams." The items paid for telegraphing were reasonable and just. The mails to and from the shoals were very irregular, and there was an absolute necessity for many communications by telegrams with the works. In telegraphing we used a cipher that greatly abbreviated the messages and lowered the cost. By means of prompt communications to and from the works by telegrams the work was greatly facilitated, and there is no doubt but a great saving was thus made to the works. Instead of the amount paid for telegraphing being large, it was quite low, as we used the cipher and made special rates with the telegraph company on exceedingly favorable terms.

Third, as to "interest and exchange." All of the interest and exchange charged in said Exhibit B, and paid by us, was paid on account of "The Tennessee River Works," and for no other purpose. The rate of interest paid was ten per cent. per annum, and this was the ruling rate of interest paid by business men at Keokuk, Iowa, and vicinity, during the years 1876, 1877, and 1878. It was impossible for the said George Williams to borrow money at lower rates of interest. To my personal knowledge he repeatedly attempted to do so, but could not. The exchange paid was generally lower than the ruling rates of exchange, and never higher. It was not safe to keep the money on the works, and was cheaper to send money by exchange than by express, and hence the necessity and economy of using exchange in the transaction of the business.

Fourth and fifth, as to the items, "boats, skiffs, &c.," and "feed for stock," I state they are reasonable and just, and I refer to the affidavit of C. S. Whitney, hereto at-

tached, and say that I personally know that the facts and explanations given by him in said affidavit, in relation to said items, are true.

In relation to the items of labor and board of laborers, concerning which a doubt has been expressed in the report heretofore made by this hon. board of engineers, I state that all of the charges made in Exhibit B to my former statement are true and just and reasonable.

The prices paid for common laborers on this work ranged from $1.00 to $1.50 per day, which were the very lowest prices at which we could obtain this labor.

We made every effort, on every occasion, to get laborers at the lowest possible prices, and the prices paid by us for laborers, owing to our repeated efforts in that direction, were as low as the laborers could afford to take in justice to themselves, and lower than was generally paid by other contractors on the work.

In reference to the board paid by laborers, we had nothing whatever to do with the price, as that was fixed by agreements and understandings between the boarding-house keepers and the laborers.

By arrangements between the boarding-house keepers and the laborers, we were authorized to deduct the price of board from the wages of the laborers and pay same directly to the boarding-house keepers, which we did, but this was only done with those laborers who boarded at the regular boarding-houses along the line of the works.

Only about one-fourth, certainly not more than one-third, of the laborers employed by us on the works were boarded at these boarding-houses, and it was only those boarded at the boarding-houses from whose pay we deducted the board as above stated.

When we went upon this work the price of board paid by laborers was $4.00 per week, and at those rates we had great trouble in getting boarding-house keepers to board the laborers. $4.00 per week was the price paid by the laborers for their board during the entire progress of our work. That was the usual and customary price paid all along the canal by other contractors, and that price was reasonable and just.

We tried to have the boarding-house keepers reduce the price of board, but they would not do it, claiming that they could not in justice to themselves, and after a careful examination we became satisfied that the price was reasonable and just. We could not force the boarding-house keepers to reduce the price of board, for if we had attempted to force the reduction they would have left the work, and we could not have supplied their places, and it would have been impossible to have kept the class of laborers that boarded in the boarding-houses, if the boarding-house keepers had left.

I make part hereof the affidavits of John W. Hobbs, Timothy Ford, C. S. Whitney, H. S. Dale, and C. P. Comegys, and state that I believe the facts stated by them to be true.

Further affiant saith not.

C. L. WILLIAMS.

Subscribed and sworn to by C. L. Williams this 10th day of June, A. D. 1879.
[SEAL.]
H. T. CROSBY,
Notary Public, District of Columbia.

No. 33.

I, H. S. Dale, of Chicago, Ills., make the following statement in answer to communication received from C. L. Williams, Keokuk, Iowa, in reference to boarding men on public works:

In reply I will state that in the years of 1869, 1870, and 1871, I was engaged under a contract with the United States Government in building Fort Totten, D. T. Under the most economical management the board of my men upon this work cost me 75c. per day each. The long distance of transportation did not enter into the expense largely, as the climate was so favorable that I could purchase large quantities of supplies without danger of deterioration, and by doing so secured much lower rates. In 1872 I was engaged in building the north one hundred (100) miles of the St. Vincent branch of the St. Paul and Pacific R. R.

On this work the board of my men cost me 65c. per day each, but I had free transportation for supplies. In 1874, 1875, and 1876, I was engaged in building the harbor of refuge at Sand Beach, Mich., on Lake Huron. On this work I employed from 150 to 250 men, and at the beginning of the work I made substantial preparation for boarding them, and carried out my plan with as much economy as possible. My books show that it cost 50c. per day to the man, not counting anything for loss by wear and tear of appliances necessary to boarding the men. This work was located, as I have stated, on Lake Huron, and in a climate where supplies would keep, and there was no loss in that direction.

In April, 1877, I made with my engineer, Mr. John E. Thomas, a careful survey of the Muscle Shoals for the purpose of making a bid for the work. The item of board

for men was one that was estimated very closely, as it would be a large item in making an estimate for the work, and my estimate was 50c. per day to the man. During this and the following year I worked out from appropriations in Michigan, under Major Harwood and Mansfield, of the Engineer Corps, and was compelled to pay from $4.00 to $4.50 per week for board of men. My experience is that no contractor can board men without loss for less than 50c. per day, and give them enough to enable them to perform a good day's work.

H. S. DALE.

Sworn and subscribed to before me this 8th day of May, A. D. 1879.
[SEAL.] ISRAEL KIMBALL, JR.,
Notary Public.

No. 34.

THE STATE OF IOWA,
The County of Lee:

I, John W. Hobbs, on oath, state that I reside in the city of Keokuk, Lee County, Iowa, and have resided there for the last ten years. I am thirty-five years of age. From 1869 to 1871 I was the book-keeper of Bowar, Barclay and Co., bankers, at Keokuk, Iowa, and from November, 1871, the time of the organization of "The Commercial Bank" at Keokuk, I was the cashier of said bank until February, 1876. During 1876 I was engaged in contracting. I was a member of the firm of T. Ford and Co., contractors, Mr. Timothy Ford being the other member of that firm. Since 1876 I have been and am now engaged in a general brokerage business (bond and note brokerage) in Keokuk, Iowa. My partner in the business of contracting during the year 1876, Mr. Timothy Ford, was a contractor of large experience extending through a series of years before and since 1876.

In December, 1875, the said firm of T. Ford and Co. contracted with the Government of the United States to do the section work consisting of excavation (earth and rock), building of tow-path, clearing and grubbing, on section 1 of "The Muscle Shoals Canal," in the Tennessee River, in the State of Alabama, the said section 1 being about one mile and half of the upper end of the canal between first and second creek.

Pursuant to that contract Ford and Co. began their work on said section about January, 1876, and completed the same in December, 1876.

As a partner of the firm, I went upon this work in April, 1876, and remained there until the work was completed, and took general charge of the books, accounts, payrolls, and had the management of the finances. I received and paid out all monies on the work. I personally know what prices were paid for labor, and what prices the laborers paid through us for board.

The general price of labor was $1.50 per day, which price was generally paid by us. During all the time we paid $1.50 per day for common laborers, to white laborers, and generally the same price to colored laborers.

During a portion of the time we paid to some of the colored laborers of inferior capacity as laborers the price of $1.25 per day.

During all of the time we paid to common laborers (white and colored) a $1.50 per day for all the rock work.

We tried several times to reduce the price of common laborers engaged in the earth work to $1.25 per day, but were not successful for the reason that $1.50 per day was the usual and customary price paid on the Muscle Shoals Canal and owing to the scarcity of laborers.

Laborers were so scarce that we employed agents to send us laborers from other points, and we were absolutely compelled to do this in order to get laborers, and we were also obliged to advance the cost of their transportation to our work.

The prices paid by us for laborers were the usual and customary prices during that time upon "The Muscle Shoals" work.

As to the prices paid for board by us on said work, I make the following statement:

By an understanding between ourselves, the laborers, and the boarding-house keepers, "the board" of the laborers was paid by us to the boarding-house keepers and charged to the laborers and deducted from the amounts due them. The price charged the common laborers for board was in no instance less than $4.00 per week.

The price charged for the board of the foremen, skilled laborers, and ourselves, at a separate boarding-house from that where the common laborers boarded, was $4.50 per week.

We had trouble in getting boarding-house keepers to board the men at the prices above given. These prices were the usual and customary prices paid on "The Muscle Shoals" work for board during the time we were on the work.

I can say without hesitation and positively that, considering the situation of the Muscle Shoals work, the surrounding country, and the difficulties in getting to and

from the work, that, in my judgment, the prices which I have named above as given for labor and board were reasonable and just, and that it would have been unjust and unreasonable and a great hardship upon the laborers and boarding-house keepers to have paid less even if it had been possible (which it was not) to have procured the labor and board for less prices.

JOHN W. HOBBS.

Subscribed and sworn to, by John W. Hobbs, before me this 16th day of May, 1879.
[SEAL.]

GEO. F. HILTON,
Notary Public.

No. 35.

THE STATE OF IOWA,
The County of Lee:

I, C. S. Whitney, on oath, say I was agent and paymaster on the work of George Williams, on "The Muscle Shoals Canal," in the Tennessee River, in the State of Alabama.

I went upon the canal at the beginning of the work by George Williams in April, 1876, and remained there until the 27th day of August, 1878, when the work of Williams was finally completed. I know what the prices were that were paid by the said George Williams, and after his death by his administrator, to laborers and for board. When I went upon the work to commence the work for Williams, the following contractors were at work along the canal, namely: T. Ford & Co., on section 1; Foster and Wehl, on section 2; and Matthew G. Kennedy, on sections 3, 4, 5, and 6; and Rice and Reed on section 7. At this time all of these contractors were paying for common laborers $1.50 per day, and the laborers were paying for board, through the contractors, $4.00 per week for the board of the common laborers.

When we began the work for Mr. Williams we cut down the pay of the common laborers to $1.25 per day. Laborers first began on Williams' work about the 1st of May, 1876, and on the first pay-day after that, in June, the laborers struck for higher wages, claiming $1.50 per day, that being the price paid by other contractors, but under instructions from Mr. Williams we kept the price down to $1.25 per day for common laborers until October, 1876, when, in order to get white laborers off of the southern road to perform such work as the colored laborers were not skilled in, we raised the wages to white laborers to $1.50 per day, and in February, 1877, we again cut the price of white laborers to $1.25 per day, and colored labor to $1.00 per day.

From this time to July, 1877, we paid $1.00 per day to the common colored laborers, and $1.25 per day to the common white laborers. From July, 1877, to December, 1877, we paid to skilled laborers (white and black), such as quarry-men, mason-tenders, hand-drillers, and slope-wall men, 25c. per day extra. From December, 1877, to May, 1878, we paid white labor $1.25 per day, and colored labor $1.00. From May, 1878, to the final completion of the work, we raised the price of all laborers to $1.50 per day, in order to keep the men on the works and to increase the force, as we were obliged to finish the work in July, and the men were all leaving for other works on account of higher wages being paid, and on account of the hot season coming on.

As to the price paid for board by laborers, I make the following statement:

By an understanding between us and a portion of the laborers and the boarding-house keepers, we deducted from the wages of the laborers the price of their board, and paid the same directly to the boarding-house keepers.

The prices thus paid by the laborers through us, in all instances, were for common laborers $4.00 per week, which was the price set and agreed upon by the boarding-house keepers and the laborers.

We did not set the price of board, nor could we have made any arrangement to have had the men boarded for less. We had great difficulty in getting men to keep the boarding-houses at this price. Some of the laborers boarded in the country with the farmers, and they always paid not less than between $4.00 and $4.50 per week.

Of all the laborers on the work of Mr. Williams, not to exceed one-third, as I believe, only about one-fourth were boarded at the boarding-houses and paid for by us, retaining the board out of their wages, as above stated. The other two-thirds or three-fourths of the laborers boarded themselves, and we had nothing whatever to do with paying for their board. None of the colored laborers boarded at the boarding-houses, and only a portion of the white laborers, say about two-thirds of the white laborers, boarded at the boarding-houses. It was only those laborers who boarded at the boarding-houses that we retained their board out of their wages.

I further state that I have had experience in the business of contracting for a number of years before the said work of the said Williams and since, and I know the usual and customary prices which have been paid for laborers and board on similar works, and I have no hesitation in saying that the prices paid for laborers and by the

laborers for board as above stated, upon Mr. Williams' work on "The Muscle Shoals" were reasonable and just. Taking into consideration the situation of the work, and the surrounding country, and difficulties in getting to and from the work, I am certain the boarding-house keepers could not have furnished the board for a less price than $4.00 per week.

I further state in reference to the charges in the account of the administrator of George Williams of "actual expenditures" relating to "boats, skiffs, &c.," amounting, as set forth in the former report of the Board of Engineers in the matter of the claim of C. L. Williams, administrator of said estate, to the sum of $1,169.61, that the following are the facts, as known to me, concerning said items:

In bringing materials and supplies, such as coal, timber, cement, &c., for the work from any points above the "Muscle Shoals," we were obliged to buy a boat for each load, and there being no steamboats on the "shoals," it was impossible to return them. Hence we could not charter them, but were compelled to buy. After getting the boats to the work they were of no further use as boats, and it was not possible to sell or dispose of them as boats, and therefore, instead of allowing them to waste and decay, we used them on the work.

For instance, the side timbers of these boats were used for bridging, foundations for buildings, gangways, &c., and the bottoms of the boats for buildings, such as blacksmith shops, &c. In shipping down the Tennessee River from points above to points along or below the shoals, it was and is customary to buy the boats as we did.

I further state that it was much cheaper to buy the boats and bring the material and supplies above referred to, down on these boats, as we did, than to have brought them to the shoals by the railroads, or any other mode of transportation.

I further state, in relation to the item of "feed for stock," referred to in the said report of said board of engineers, as amounting to $1,478.90, that the same is a reasonable and just charge, as we had about seven head of horses and one yoke of oxen engaged on said work. The price of feed during the period of the progress of the said work was high; for instance, hay was from $16.00 to $22.00 per ton; corn, 60 c. to 75 c. per bushel, and fodder 2 c. a bundle, the bundles being very small, consisting only of the blades, and each bundle weighing only 2 pounds. I bought the feed at the lowest prices, and it was used economically, without any waste, and all the feed charged for in Williams' account was used in the prosecution of said work.

I further state that I have no interest whatever, directly or indirectly, in the claim of C. L. Williams, administrator of George Williams, deceased, against the United States of America, in relation to which this affidavit is given. And I also state that I am now engaged in business for myself, and am not, and have not been, in the employ of C. L. Williams, administrator, or C. L. Williams individually, since August, 1878.

C. S. WHITNEY.

Subscribed and sworn to by C. S. Whitney, before me this 17th day of May, A. D. 1879.

[SEAL.]

GEO. F. HILTON,
Notary Public.

No. 36.

THE STATE OF IOWA,
The County of Lee:

I, C. P. Comegys, on oath say I am a resident of Keokuk, Iowa, and have resided there since 1871.

During all the time I have resided in Keokuk I have been and am now chief clerk on "The Des Moines Rapids Improvement," and have had general charge, under the directions of the officers in charge of the work, of the books and accounts, and have usually paid the men employed upon the work.

Col. J. N. Macomb, Corps of Engineers, U. S. Army, was in charge of said improvement until November 16th, 1877, since which time Captain Amos Stickney, Corps of Engineers, U. S. Army, has been in charge of said work. I know the prices paid upon this work during the years 1876, 1877, 1878, and 1879 for laborers. During 1876 and 1877 the prices paid on that work for common laborers were $1.50 per day, and since that time the prices have been $1.30 per day for such laborers. $1.30 per day was paid during a portion of the latter part of 1877.

I know the prices charged upon this work for the board of laborers engaged upon the work during the years 1876, 1877, & 1878. From the summer of 1875 to and including February, 1876, in paying the laborers, I deducted, at their own request, from their wages the amounts due the boarding-house keepers for board, and paid such amounts so deducted to the boarding-house keepers, and during this period the prices uniformly charged and paid for board were $4.00 per week. During the remaining

part of 1876 and the year 1877 we did not deduct the board from the wages of the laborers, but I know the prices that were usually charged and they were $4.00 per week. The labor above referred to was done by the United States by days' labor without the intervention of contractors. The prices paid for labor and the board of laborers as above stated were the usual and customary prices during the periods mentioned and I believe were reasonable and just.

The current price for boarding men since early part of 1878 is $3.50 per week.

I am not directly or indirectly interested in the claim of C. L. Williams, administrator of the estate of George Williams, against the United States of America, arising out of the "improvement of the Muscle Shoals Canal" in the Tennessee River, now pending.

C. P. COMEGYS.

Subscribed and sworn before me by C. P. Comegys this 19th day of May, A. D. 1879.
[SEAL.]
R. M. MARSHALL,
Notary Public.

No. 37.

THE STATE OF TENNESSEE,
The County of Hamilton:

I, F. F. Wiehl, on oath, states that I reside in Chattanooga, Hamilton County, Tennessee, and at present am in the livery business.

In the years 1875 and 1876 I was a member of the firm of Foster and Wiehl, contractors, Foster being the other member of the firm, we doing work on the Muscle Shoals Canal, Tennessee River, State of Alabama, under contract with the United States, to do section work consisting of excavation of earth and rock, building towpath, &c., on section 2. Pursuant to that contract Foster and Wiehl began the work on said section 2 about the first of December, 1875, and completed the same about the twentieth of December, 1876. As a member of this firm I was upon the work at the commencement of same, and remained until within two months of its completion, having general charge and supervision of books, accounts, and management of the work. I personally know what price was paid for labor by us, as well as the prices paid for labor by other contractors on the same work. The general price paid for white labor was $1.50 to $2.25 per day, and the general price paid for colored labor was from $1.25 to $1.50 per day.

The prices paid varied as above, the highest price being paid for skilled quarry-men, the lower prices for common laborers.

We employed no stone-cutters nor skilled masons, and do not know what prices were paid such mechanics.

The above prices were usual and customary, and owing to the sickly nature of the country in which the work was being carried on, labor was obtainable with much difficulty and expense, even at those prices.

Such of our laborers as we boarded (most of our men boarded themselves), we charged four (4) dollars per week for board, and that was the customary price for board on the work generally, and as reasonable as it could be furnished.

I further state that I have no interest of any kind or description in the matter of the claim of C. L. Williams, administrator, against the United States of America.

F. F. WIEHL.

Sworn and subscribed to by F. F. Wiehl, before me, this 27th day of May, A. D. 1879.
[SEAL.]
M. H. CLIFT,
Notary Public for Hamilton Co., Tennessee.

No. 38.

IN THE MATTER OF THE CLAIM OF C. L. WILLIAMS, administrator of the estate of George Williams, deceased,
against
THE UNITED STATES OF AMERICA.

THE STATE OF MINNESOTA,
The County of Ramsey, sct.:

I, Timothy Ford, on oath, say I reside at Keokuk, Iowa, and have resided there since September, 1870. I am by occupation a contractor, and have been for many years past, and am now.

I was the senior member of the firm of T. Ford & Co., which firm during December, 1875, and the year of 1876 were engaged in doing the earth and rock excavation, clearing and grubbing and building the tow-path on section 1, of "The Muscle Shoals Canal in the Tennessee River," in the State of Alabama. I was also, during the latter part of 1875 and the early part of 1876, engaged in doing the grading and masonry on the Saint Louis, Keokuk & Northwestern Railway Company for about thirty miles between Hannibal and Louisiana, Missouri.

During the summer, fall, and winter of 1876, and the winter and spring of 1877, I was engaged in doing the grading and masonry on one mile of "The Cincinnati Southern Railway," about four miles northwest of Chattanooga, in the State of Tennessee.

During the fall of 1877, and the winter of 1877 and 1878, and the fall of 1878, and the winter of 1878 and 1879, I was engaged in building portions of "The Mississippi Levee" on the Mississippi River, in the State of Mississippi, in the vicinity of Greenville and Hall's Landing.

I know the prices paid for labor and the prices paid by laborers for board on these different works during the period above mentioned. The prices paid for common laborers on the work on the St. Louis, Keokuk and Northwestern Railway during the time mentioned were not less than $1.50 per day, and for skilled laborers, such as stone-cutters, masons, blacksmiths, and carpenters, from $2.50 to $3.50 per day.

The prices paid by laborers on this work for board were not less than $4.00 per week.

The prices paid for common laborers on the above work on "The Muscle Shoals Canal" during the time above mentioned was generally $1.50 per day. We paid on this work all white common labor and all first-class colored common labor $1.50 per day. Some of the colored common labor was paid $1.25 per day.

The prices paid by the laborers through us to the boarding-house keepers on this work was $4.00 per week.

The prices paid for common labor during the period above mentioned on the work on "The Cincinnati Southern" were from $1.25 to $1.50 per day.

The prices paid by the laborers through us for board on this work were $4.00 per week and not less.

The prices paid for common laborers on the work on "The Mississippi Levees" were from $1.50 to $1.75 per day and the prices paid by laborers for board were from $4.00 to $4.50 per week.

I further state that the prices of labor and board paid as hereinbefore stated were the usual and customary prices paid at the times and places above stated, and the prices were reasonable and just. I further say I am not interested directly or indirectly in the claim of C. L. Williams, administrator, against the United States, in relation to which this affidavit is given.

TIMOTHY FORD.

Subscribed and sworn to by Timothy Ford, before me, this 31st day of May, 1879.
[SEAL.]
J. P. ALLEN,
Notary Public, Ramsey Co., Minn.

No. 39.

WASHINGTON, D. C., *June* 10, 1879.

The Honorable the SECRETARY OF WAR:

SIR: The two senior members of the Board of Engineers who signed the report dated April 9, 1879, in the case of the claim arising under certain contracts of George Williams and Mathew G. Kennedy, for work on Muscle Shoals Canal, to whom said report was referred by your indorsement of May 21, 1879, instructing them to "report whether any, and if any what, deductions should be made from the sum of the actual expenditures under the rule laid down by the Judge Advocate-General, namely, that there should be allowed actual expenditures so far as reasonable and just," have had the matter under consideration and report as follows, viz:

In their original report (April 9, 1879) the Board of Engineers concluded that "whilst the expenditures are in their *nature* reasonable and proper enough, yet in amount some of them cannot well be considered *reasonable*," and enumerated the following, viz:

Traveling expenses	$7,035 56
Telegrams	1,438 07
Interest and exchange	12,688 61
Boats, skiffs, &c	1,169 61
Feed for stock	1,478 90

These amounts, though not great in the aggregate, seemed to indicate extravagance. The board also thought the rates paid for labor high, and attributed this to the rate charged for boarding.

Mr. C. L. Williams, the administrator of the estate of George Williams, deceased, has appeared before us and submitted affidavits upon these points of himself, C. S. Whitney, C. P. Comegys, Timothy Ford, F. F. Wiehl, and John W. Hobbs, and an affidavit of H. S. Dale is found amongst the papers referred to us.

These affidavits are all of the same tenor, and indicate that the price of boarding at Muscle Shoals Canal during the prosecution of the work was probably as low as it could have been obtained for, and must, therefore, be considered as reasonable, notwithstanding the *estimates* of the Board of Engineers.

The affidavit of Mr. C. L. Williams covers the other items and satisfactorily explains them. The rate of interest paid was high, but no higher than any individual would have had to pay under the same circumstances. The government could have borrowed the money required to carry on the work, at a rate not exceeding five per cent. (or half that actually paid), but no contractor could do it. It is hardly to be expected that a contractor undertaking a work of the magnitude of that in question, has in hand money to the full amount that will be required. He usually has enough to begin the work, and depends upon payments, as the work progresses, to keep him in funds.

This is all well enough when the contractor is engaged upon a profitable contract; but if he is losing money he has no recourse but to borrow and pay such rate of interest as may happen to prevail at the time. It is one of the vicious features of the contract system; but under the system the practice is not unreasonable, and in that view the payment of interest at the rate of ten per cent. in this case was not unreasonable.

In conclusion, the undersigned report that, in their opinion, under the rule laid down by the Judge-Advocate-General, no deductions should be made from the amount ($101,536.72), found by the Board of Engineers as representing the sum of the actual expenditures of George Williams and his legal representatives on the work in question.

The papers referred to us are herewith returned, and with them are transmitted the affidavits referred to.

All of which is respectfully submitted.

J. N. MACOMB,
Col. & A. Q. M., U. S. Army.

O. M. POE,
Major of Engr., Bvt. Brig. Genl., U. S. A.

No. 40.

Memorandum.

JUNE 24, 1879.

The claim of the legal representatives of George Williams, deceased, under act for their relief of January 13, 1879, was by me this day submitted to the President and cabinet in cabinet meeting, and was freely discussed in connection with the reports of the Board of Engineers thereon. The conclusion was reached, and was announced by the President, that the Board of Engineers and the Judge-Advocate-General of the Army had given a correct construction to the act of Congress, and that settlement should be made by me accordingly.

The several items of expenditure allowed by the board were considered and approved as reasonable and just, with the exception of the item of traveling expenses, $7,035.56. It was deemed proper that I should make further inquiry as to this item. I accordingly examined the proofs relating to it, and conferred with Gen. Poe, a member of the board, and thereby ascertained that the sum named was actually paid out by Mr. Williams for traveling expenses in connection with the contracts in question, the larger part being for transportation of workmen, who could not be employed in the vicinity of the work, and therefore had to be hired elsewhere, and carried there at the contractor's cost. My conclusion, after careful examination, is that the report of the board must be approved.

G. W. McCRARY,
Sec'y of War.

No. 41.

This award is approved, and respectfully referred to the Third Auditor for settlement for the amount of the award named within, to wit, $101,536.72, upon the appro-

priation for the work in question to the legal representative of the claimant, C. C. Williams, administrator.

G. W. McCRARY,
Secretary of War.

JUNE 24, '79.

No. 42.

Senate Report No. 483, 45th Congress, 2d Session.

JUNE 7, 1878.—Ordered to be printed.

Mr. BUTLER, from the Committee on Military Affairs, submitted the following report, to accompany bill S. 1244:

The Committee on Military Affairs, to whom was referred the bill (S. 1244) for the relief of George Williams, have considered the same, and submit the following report:

This bill provides:

"That the Secretary of War be, and is hereby, authorized to adjust and settle, upon just and equitable terms, the claim of George Williams for balance due on contracts for building locks two, three, and four of Muscle Shoals Canal on Tennessee River, and on a contract for section work, done under power of attorney from Matthew G. Kennedy: *Provided*, That in making said settlement the said Secretary of War shall not allow the said Williams more than his actual expenditures, with reasonable compensation for the use of tools, and for money advanced in the prosecution of said work.

The following amendment was proposed by Mr. Morgan, of Alabama, and referred to your committee, to be considered in connection with the original bill:

"*And provided further*, That no allowance or payment shall be made under this act except in pursuance of the recommendation of a board of at least three engineers, to be appointed by the Secretary of War, to inquire into and report upon the character of the work done and the merits of the same."

It appears from the evidence submitted to your committee, that Mr. George Williams a contractor, undertook to do certain government work in building the locks and canal around Big Muscle Shoals in the Tennessee River, under three separate contracts.

The first work done was under power of attorney, dated August 11, 1876, from M. G. Kennedy, on a contract made between the said Kennedy and Maj. Walter McFarland, of the Corps of Engineers, United States Army, on the 13th of December, 1875, which for some reason the said Kennedy could not carry out.

2. A contract was entered into March 31, 1876, between Maj. Walter McFarland, Corps of Engineers, United States Army, and the said George Williams, on his own account, to construct locks three and four of the Muscle Shoals Canal; and

3. A contract was entered into October 14, 1876, between Capt. W. R. King, Corps of Engineers, United States Army, and the said George Williams to construct lock No. 2 of the Muscle Shoals Canal.

Copies of said contracts and papers relating thereto, together with a copy of a sworn statement of Mr. Williams, are hereto attached and made a part of this report.

It will be discovered by an inspection of the papers above referred to that a controversy arose between the government engineers and Mr. Williams touching a proper measure of compensation for the latter, under what he claims to have been a radical modification in the plans of the works, upon which he based his contract, and the loss to which he was subjected by delay on the part of the engineers, as he alleges, in furnishing him with plans of the work.

It is not within the province of your committee to pass upon the merits of this controversy, nor do the provisions of the bill require it.

The bill simply authorizes the "Secretary of War to adjust and settle upon just and equitable terms the claim of George Williams," &c.; and in a letter from the Secretary of War to the Speaker of the House of Representatives, bearing date May 11, 1878 (a copy of which is hereto attached), in reference to this claim, he says: "I would, therefore, suggest that, if the bill" (referring to House bill 4412 upon the same subject-matter as the one now under consideration) "is favorably considered, the following provision be added at the end of the bill as a measure of precaution: *And provided further*, That no allowance or payment shall be made under this act, except in pursuance of the recommendation of a board of at least three engineers, to be appointed by the Secretary of War, to inquire into and report upon the character of the work and the merits of the claim."

This provision of the bill protects the government, and secures to Mr. Williams a settlement upon "just and equitable terms," and your committee can discover no

good reason why he should not have such a settlement, and therefore recommend the passage of accompanying bill.

"WAR DEPARTMENT,
"*Washington City, May* 11, 1878.

"SIR: I have the honor to acknowledge the receipt of the letter from the Clerk of the House of Representatives of the 9th instant, inclosing copy of House bill 4412 'for the relief of George Williams,' and asking for any information concerning the same that may be of record in this department, and also informing me that the committee will be glad to receive any opinion I may see fit to give concerning the merits of the claim referred to.

"In reply, I have the honor to inclose the report of the Chief of Engineers, to whom the said letter was referred and the papers accompanying the same.

"It will be seen that there is a disagreement between the contractor and the engineer in charge concerning the compensation which shall properly be allowed the former.

"It seems probable that upon a settlement made upon 'just and equitable terms,' as provided in the bill, something would be found due the contractor. This, however, is only conjectural, and a more thorough investigation might lead to a different conclusion, as very much depends upon the character of the work done and the economy of the expenditures thereon.

"I would therefore suggest that, if the bill is favorably considered, the following provision be added at the end of the bill as a measure of precaution, to wit:

"*And provided further*, That no allowance or payment shall be made under this act, except in pursuance of the recommendation of a board of at least three engineers, to be appointed by the Secretary of War, to inquire into and report upon the character of the work and the merits of the claim.

"Very respectfully, your obedient servant,

"GEO. W. McCRARY,
"*Secretary of War.*

"To the SPEAKER,
"*House of Representatives.*"

No. 43.

[S. 1244. Report No. 483.]

MAY 14, 1878.—Mr. MORGAN asked and, by unanimous consent, obtained leave to bring in the following bill; which was read twice and referred to the Committee on Military Affairs.

JUNE 7, 1878.—Reported by Mr. BUTLER with amendments, viz: Omit the part struck through and insert the part printed in *italics*.

A BILL for the relief of George Williams.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be, and is hereby, authorized to adjust and settle, upon just and equitable terms, the claim of George Williams for balance due for building locks two, three, and four of Muscle Shoals Canal on Tennessee River, and on a contract for section work, done under power of attorney from Matthew G. Kennedy: *Provided*, That in making said settlement the said Secretary of War shall not allow the said Williams more than his actual expenditures, with reasonable compensation for the use of tools, and for money advanced in the prosecution of said work: *And provided further, That no allowance or payment shall be made under this act except in pursuance of a recommendation of a board of not less than three engineers, to be appointed by the Secretary of War to inquire into and report upon the character and value of the work done and the merits of the claim.*

No. 44.

No. 5744.] TREASURY DEPARTMENT, THIRD AUDITOR'S OFFICE,
June 25th, 1879.

I certify that there is due from the United States to C. L. Williams, administrator of the estate of George Williams, deceased, for amount allowed him by award of the Secretary of War, dated June 24th, 1879, made in pursuance of the act of Congress, approved January 13th, 1879, entitled "An act for the relief of the legal representatives of George Williams, deceased," the sum of one hundred and one thousand five hundred

and thirty-six dollars and seventy-two cents ($101,536.72) allowed upon the papers herewith, in accordance with said award. Appropriation, "Improving Tennessee River," payable to claimant, Keokuk, Iowa, as appears from the statements and vouchers herewith transmitted for the decision of the Second Comptroller of the Treasury thereon.

E. W. KEIGHTLEY, *Auditor.*

To SECOND COMPTROLLER OF THE TREASURY.

SECOND COMPTROLLER'S OFFICE.

I admit and certify the above balance this 27th day of June, 1879.

W. W. UPTON,
Second Comptroller.

No. 45.

JUNE 28TH, 1878.

To the THIRD AUDITOR OF THE TREASURY:

SIR: I have the honor to request that the papers in the case of C. L. Williams, adm'r of estate of George Williams (settlement No. 5744), may be returned to this department, in order that they may be recorded in the office of the Chief of Engineers.

By direction of the Secretary of War.

H. T. CROSBY,
Chief Clerk.

No. 46.

Respectfully referred to the Chief of Engineers for record in his office. These papers to be returned.

By order of the Secretary of War.

H. T. CROSBY,
Chief Clerk.

WAR DEPT., *June* 28, 1879.

No. 47.

[3d endorsement.]

OFFICE OF CHIEF OF ENGINEERS,
June 30, 1879.

Noted and respectfully returned to the Hon. the Secretary of War.

H. G. WRIGHT,
Acting Chief of Engineers.

No. 48.

Respectfully returned to the Third Auditor of the Treasury.
By order of the Sec'y of War.

H. T. CROSBY,
Chief Clerk.

WAR DEPT., *July* 1, 1879.

No. 49.

OFFICE OF THE CHIEF OF ENGINEERS,
Washington, D. C., Aug. 4th, 1879.

E. W. KEIGHTLEY, Esq.,
3d Auditor, &c., &c.:

DEAR SIR: In order to answer an inquiry from Major King, in charge of work at Muscle Shoals, on the Tenn. River, it is necessary to refer to the report of the board

of eng'r officers upon the claim of George Williams, late a contractor upon that work, which I understand has been filed in your office.

If consistent with your rules, I would ask that it be loaned to me temporarily thro' the bearer of this; if not, that you will kindly suggest how I had best proceed to get the temporary loan of it.

Very truly, yours,

H. G. WRIGHT,
Chief of Engineers.

No. 50.

Please send me the dates of the contracts under which the representatives of George Williams were paid; also the years in which the work was done.

W. W. UPTON.

Contracts dated—
Dec. 13, 1875. Between M. G. Kennedy and Maj. McFarland.
March 31, 1876. Between Williams & McFarland.
Oct. 14, 1876. Between Williams & Capt. W. R. King.

No. 51.

UNITED STATES OF AMERICA:

WAR DEPARTMENT,
Washington City, January, 27, 1880.

Pursuant to section 882 of the Revised Statutes, I hereby certify that the annexed are true copies of papers on file in this department.

In witness whereof, I have hereunto set my hand, and caused the seal of the War Department to be affixed, on the day and year first above written.

[SEAL.]

ALEX. RAMSEY,
Secretary of War.

No. 52.

SPARTA, TENNESSEE, *24th Septr.*, 1879.

Hon. GEO. W. MCCRARY,
Sec'y of War:

D. SIR: I learn (unofficially) that you have withheld $101,000 of the money appropriated by Congress to continue the work on the Tennessee River at Muscle Shoals, for the purpose of paying a claim to the estate of one Geo. Williams, of Iowa. If this is so, I should like to be advised, and to know the authority for such action. The appropriation bill gave $210,000 to continue the work on the Muscle Shoals, & nothing to pay old and doubtful claims. The bill for the relief of Williams, which I read repeatedly, & prevented its passage by the House, when it came from the Senate, & only consented at last that it should be acted upon in the House, when I was importuned, & plead with, and assured, by the friends of the Williams bill, that it could in no way effect the appropriations made to the Tennessee; but that when the eng'rs made a settlement with Williams' representatives, they would report to you, & you to Congress, & then an appropriation would be made. This was said by Judge Reagan, Gen'l Bright, and others.

I do not think the law authorizes you to pay Williams' claim until the report of the eng'rs is ratified & an appropriation specially made by Congress, & if, as is represented, you have diverted this $101,000 from the Tennessee, it will cause a suspension of this work, the discharge of many hands, and great damage to the work in process of construction. If you have not paid Williams' claim, I enter my solemn protest against it, & hope you will not. Please answer.

Yours truly,

G. G. DIBRELL.

No. 53.

SPARTA, TENNESSEE, *29th Sept'r*, 1879.

D. SIR: I regret to learn that you have used money appropriated to continue the work on the Tennessee River at Muscle Shoals to pay the award in favor of the heirs

of George Williams, dec'd, a former contractor. The act that passed for the relief of Williams did not authorize such action and could not have passed the House if it had been so understood. I so understood it, and was so assured by those managing the bill in the interest of Williams, and you had no authority to divert the appropriation made to continue the work from the purpose for which Congress appropriated it.

By your action you will throw about 12 to 1500 men out of employment and cause much delay and trouble.

If you have not paid the award to Williams' heirs I trust you will not, thereby saving much trouble.

Please advise me of your action in the premises.

Yours, truly,

G. G. DIBRELL.

Genl. A. A. HUMPHREYS,
Chief of Engr's, &c.

No. 54.

[Indorsement.]

OFFICE OF CHIEF OF ENGINEERS,
October 3, 1879.

Respectfully submitted to the Hon. the Secretary of War.

Under the provisions of the law of January 13, 1879, there was drawn from the appropriation of Jan'y 18, 1878, for improving the Tennessee River below Chattanooga on special Treasury settlement dated June 25, 1879, in favor of the heirs of George Williams, deceased, the sum of $101,536.72.

The papers in the case, giving a full history of the settlement, are filed in the Treasury Department.

JOHN G. PARKE,
Acting Chief of Engineers.

No. 55.

In the matter of the use of an appropriation for improving the Tennessee River in the payment of a claim under the provisions of "An act for the relief of the legal representatives of George Williams, deceased." (20 Statute, 591.)

WAR DEPARTMENT, DIVISION OF REQUISITIONS AND ACCOUNTS,
Washington, D. C., October 23, 1879.

Hon. GEORGE W. MCCRARY,
Secretary of War:

SIR: A letter of the 29th ultimo, from Hon. G. G. Dibrell, of the House of Representatives, to the Chief of Engineers, suggests a question as to the authority under which your requisition for $101,536.72 was drawn in favor of "the legal representatives of George Williams, deceased," for whose relief an act was approved January 13, 1879. (20 Statute, 591.)

In view of that fact you desire a verification of my opinion, given January 23, 1879, namely, that the appropriation for "Improving the Tennessee River" was then available for the payment of the claim of said Williams.

II.

The opinion of January 23, 1879, was based upon premises of then existing laws and facts, in brief, as follows:

1.—PREMISES OF LAW.

First. That the expenditure shall be within the amount of estimates originally rendered to Congress for the cost of the whole work. (Revised Statutes, § 3663.)

Second. That the expenditure shall not be in excess of the appropriations made by Congress. (R. S., § 3679.)

Third. That the unexpended balances of appropriations for rivers and harbors which have remained upon the books of the Treasury for two fiscal years shall not be carried to the surplus fund, but shall continue available until otherwise ordered by Congress. (Act June 20, 1874; 18 Stat., 110.)

Fourth. That the appropriation for rivers and harbors shall be "expended under

the direction of the Secretary of War." (17 Stat., 370, 560; 18 Stat., 237, 456; 19 Stat., 132; 20 Stat., 152, 363.)

Fifth. That "all sums appropriated for the various branches of the public service shall be applied solely to the objects for which they are respectively made and for no other." (R. S., 3678.)

2.—PREMISES OF FACT.

First. That the proposed expenditure (since made) was within the amount of estimates originally rendered to Congress for the whole work.

Proof.—"The survey of the Muscle Shoals begun in June, 1871, with a view of ascertaining the probable cost of opening them to navigation, was completed in September of the same year. The result was mapped, and the maps with the report and the estimated cost of constructing a steamboat canal from Brown's Ferry to Florence, were transmitted to Washington under date of March 23, 1872. The estimated cost of such a canal with a trunk 100 feet wide at the water surface, 6 feet depth of water over the miter-sills, and lock chambers 300 feet long and 60 feet wide is [was] $3,676,000." (Report of Secretary of War, 1872, part 2, page 478.)

Second. That the proposed expenditure (since made) was not to be, and was not when made, in excess of the appropriation made by Congress.

Proofs.—1. The aggregate of the appropriations made for the Tennessee River, including the Muscle Shoals, from July 25, 1868, to the 23d January, 1879, was $1,515,500; and to this date is $1,737,000. (See annexed Exhibit A, referring to Report of Secretary of War, 1872, part 2, pages 476 to 479, for $125,500; 16 Stat., 226, for $80,000; 17 Stat., 372, for $75,000; 17 Stat., 563, for $125,000; 18 Stat., 240, for $125,000; 18 Stat., 458, for $400,000; 19 Stat., 138, for $270,000; 20 Stat., 154, for $315,000; 20 Stat., 367, for $221,500. Total, $1,737,000.)

2. The balance of appropriation available on January 23, 1879, $337,000. (Records.)

3. The balance of appropriation available for the Tennessee River on July 2, 1879, the day after payment of the Williams claim, was $259,963.28, and the balance available to-day is $116,963.28. (See annexed Exhibit B, prepared from departmental records.)

Third. That there was on January 23, 1879, an unexpended balance amounting to $337,000, which prior to July 1, 1879, was reduced by expenditure to a balance of $140,000, which latter remained on the books and was exclusive of $221,500, appropriated March 3, 1879.

Proof.—1. As to the figures—departmental records.

2. That the balance was available for expenditure "until otherwise ordered by Congress." (18 Stat., 110.)

3. Under this law (18 Stat., 110), which is applicable to appropriations for rivers and harbors and fortifications alike, the balance of the appropriation for contingencies of fortifications were available and were used in the years 1875, 1876, and 1877 in the payment of claims secured long before those years, and nineteen cases in which these were so used appeared up to January 23, 1879. (See Exhibit C.)

Fourth. That the balance available was for improving the Tennessee River, and was one of the appropriations for rivers and harbors which was to be "expended under the direction of the Secretary of War," according to his direction.

Proofs.—1. Items of appropriations in 16 Stat., 226; 17 Stat., 372; 17 Stat., 563; 18 Stat., 240, 458; 19 Stat., 138; 20 Stat., 154, 367.

2. Acts of Congress making appropriations for rivers and harbors (17 Stat., 370, 560; 18 Stat., 237, 456; 19 Stat., 132; 20 Stat., 152, 363).

3. Allotments made in 1868–'9. (See Exhibit A.)

4. The appropriations could properly be expended under the direction of the Secretary of War without any reference to contract, as in 1872 the engineer officer in charge of the work was directed to carry on the work by "hired labor to the extent of the balance of the appropriation available therefor, including the forfeited percentage." (Report Secretary of War, 1872, p. 478.)

Fifth. That the balances accrued from appropriations for this branch of expenditure in the public service, *i. e.*, for improving the Tennessee River, were available for expenditure in January and July last, and were properly applicable to payment for any work done under or on account of authority from the Secretary of War for the improvement of the Tennessee River subsequent to the year 1872, and if applied to payment therefor they would be applied solely to the objects for which they were made, and for no others.

Proofs.—1. No laws were or are found to hinder this application, but laws were and are found to permit such application in payment for services rendered, and the laws to permit it are herein cited.

2. The balances had merged from year to year and had been carried forward with amounts appropriated as available for expenditure "until otherwise ordered by Congress," without restriction as to fiscal years. (See Exhibit B.)

3. These balances were to be and were expended under the direction of the Secre-

tary of War, or at his discretion, without any legal restrictions further than those herein specified, save that of the amounts appropriated in the aggregate, $145,000 were to be expended for improving the Tennessee River above Chattanooga, and $1,370,500 were to be expended for improving the river below Chattanooga, including the Muscle Shoals. (See Exhibit A.)

4. The sums appropriated were for improving the Tennessee River, which was "*the object*" for which the appropriation was made. (*Ib.*)

5. The Muscle Shoals Canal on Tennessee River had been a part of that improvement since 1831, and had been a part of it on resurveys, estimates, and appropriations, from 1868 to January, 1879, continuing a part of it to the present date. (Report Secretary of War, 1872, 497, 498; act March 3, 1879, 20 Stat., 367.)

6. The expenditures by Williams on account of labor, materials, and so forth, were upon the Muscle Shoals Canal on Tennessee River, and on contract for section work improving said river. (20 Stat., 591.)

7. The actual amount of the expenditures was found by a board of engineers expressly authorized by law to determine and report the matter of fact. (20 Stat., 591; report of board.)

8. The legal right of the Secretary of War to expend the appropriation to pay the claim of Mr. Williams had never been doubted or questioned up to January 23, 1879, but the measure of allowances as matter of *fact* had been doubted and had remained in question. (Senate committee report, No. 483, 2nd session 45th Congress.)

The act of Congress fixed the means for determining the measure of allowances, and thereupon the amount was fixed. (20 Stat., 591.)

CONCLUSIONS.

First. The proposed expenditure was within the estimates;

Second. Was not in excess of the appropriation made by Congress;

Third. Was to be from an unexpended balance accrued from several years' appropriations, exclusive of the last appropriation, and was available to pay for improving the Tennessee River, until otherwise ordered by Congress;

Fourth. It was to be made from an appropriation which Congress expressly declared should be "expended under the direction of the Secretary of War;"

Fifth. And was to be applied to a branch of the public service (*i. e.* improving Tennessee River), which was solely the object for which the appropriation was made, and it was to be applied to no other.

III.

1. The foregoing matters of law and fact substantially formed the basis of my opinion given in January last, that the appropriation for improving the Tennessee River was available for the payment of the claim.

2. A further review of the act for the relief of Williams's heirs, with a remembrance of some maxims and rules touching the construction of statutes, satisfied me that in this case the Secretary of War was obliged to make an allowance and payment out of any money available for the purpose, and the points of my construction of the law are substantially set forth in the next chapter.

IV.

The act for the relief of Williams's heirs is to be found in full on page 591, vol. 20, of the United States Statutes. It required the Secretary of War to "adjust and settle upon just and equitable terms the claim of George Williams." It provided that "in making said settlement the said Secretary of War shall not allow said George Williams more than his actual expenditures, with reasonable compensation for the use of tools and for money advanced in the prosecution of the said work," and that "no allowance or payment shall be made under this act except in pursuance of a recommendation of a board of not less than three engineers to be appointed by the Secretary of War to inquire into and report upon the character and value of the work done and the merits of the claim."

The rules of interpretation or construction of such a statute, as I understand them, are substantially as follows:

1. That the intention of the law-makers is the law. (Potter's Diaries on Statutes and Constitutions, 175–180; Sedgwick on Statutory and Constitutional Law, 231.)

2. That the intention of the legislators, "where the language of the act is explicit," must be sought in the words of the act. (Potter's Diaries on Statutes and Constitutions, 182, 183; Sedgwick on Statutory and Constitutional Law, 243, 382, and authorities there cited.)

3. That "a proviso in deeds or laws is a limitation or exception to a grant made, or authority conferred, the effect of which is to declare that the one shall not operate

or the other be exercised except in the case provided." (Sedgwick on Statutory and Constitutional Law, 62, citing decisions of U. S. Supreme Court.)

4. That the maxims for the interpretation of laws, "rightly understood, and rightly applied, undoubtedly furnish safeguards to assist us in the task of exposition," and among those applicable to this law is one expressed by Lord Coke that "an exception proves the rule concerning things not excepted," (11 Coke, 41), and one expressed by Lord Bacon that "as exception strengthens the force of a law in cases not excepted, so enumeration weakens it in cases not enumerated." (Story on Const., § 448.)

5. That all the requisitions of laws of this character are conditions precedent on the performance of which "the act must be done to make the execution of the power consistent with the law." (Voorhees *v.* The Bank of the United States, 10 Peters, 471. See, also, 9 Opinions Attorney-General, 4; Taylor *v.* Mason, 9 Wheaton, 325.)

6. That a grant on condition is null and void when the condition is not performed in due time. (U. S. *v.* Mill's heirs, 12 Peters, 217; U. S. *v.* Kingsley, 12 Peters, 476.)

7. That a grant or "concession on condition becomes absolute when the condition is performed." (U. S. *v.* Clarke, 9 Peters, 170. See, also, Seton's case, 9 Peters, 311; Segnio's case, 10 Peters, 306; Arredendo's case, 6 Peters, 745.)

The intention of the law-makers in this instance is clearly manifested "in the natural and obvious sense of the statute apart from any technical or artificial rules of construction." The language of the act is "explicit," and is in the familiar form of various texts, such as "no money shall be drawn from the Treasury but in consequence of appropriations made by law." For examples, see Article I, sec. 9, clause 6; Article I, sec. 10, clause 2; and Art. II, sec. 1, clause 5, of the Constitution; and the 5th Amendment to the Constitution of the United States. See, also, sections 859 and 1571 of the Revised Statutes. The force and effect of all such texts as the one under consideration and those referred to, depend upon the happening or the non-happening of the *events*, respectively, anticipated by the makers of the laws or instruments, and in nearly all the books such events are treated as *conditions*.

The word condition is defined by Webster's dictionary to be in law as follows: "A clause in a contract, or agreement, which has for its object to suspend, to defeat, or in some way to modify the principal obligation; or, in case of a will, to suspend, revoke, or modify a devise or bequest; it is also the case of a future uncertain event which may or may not happen, and on the occurrence or non-occurrence of which, he accomplishment, rescission, or modification of an obligation or testamentary disposition is made to depend." (Blount, Tomlins, Bouvier, Wharton.)

"Conditions are sometimes annexed to and depending upon estates, and sometimes annexed to and depending upon recognizances, statutes, obligations, and other things, and are also sometimes contained in acts of Parliament and records. (Shep. Touch., 117.)"—*Bouvier*.

"*Precedent conditions* are those which are to be performed before the estate, the obligation commences, or the bequest takes effect. (Powell, Dev., C. 15.) A bond to convey land on the payment of the purchase-money furnishes a common example of a condition precedent. (9 Cushing, Mass., 95.)"—*Bouvier*.

A leading case, relative to the effect of a condition precedent, is Voorhees *v.* The Bank of the United States, in which the Supreme Court of the United States said:

"It is contended by the counsel for plaintiffs in error that all the requisitions of the law are conditions precedent, which must not only be performed before the power of the court to order a sale, or the creditors to execute, can arise, but that such performance must appear on the record.

"The first part of this proposition is the true meaning of the law of Ohio. The various acts required to be done previous to a sale are prescribed by a *proviso*, which, in deeds and laws, is a limitation or exception to a grant made or authority conferred, the effect of which is to declare that the one shall not operate or the other be exercised unless in the case provided.

"By the eleventh section the auditors were directed, by virtue of an order of the court, to *sell* and *convey* the lands attached, provided they give notice. Notice, then, is the condition on the performance of which their duty and power depend, and the act must be done to make the execution of the power consistent with the law."

Turning again to the act for relief, there is also found a proviso, which is that "no allowance or payment shall be made under this act, except in pursuance of a recommendation of a board of not less than three engineers." This recommendation, then, was the condition on the performance or receipt of which depended the power and duty of the Secretary of War to make any allowance or payment.

The various requirements of the law having been complied with, the money available from old balances being on hand for expenditure under the direction of the Secretary of War, and being specifically to pay for the improvement made, and the "recommendation," as a condition precedent, being at hand, what more did the law require?

If it or any other enactment required the Secretary to *report* to Congress for further

instructions, or to do anything else than to allow, pay, or otherwise to conclusively "settle" the claim, that point has entirely escaped my observation.

The law absolutely required nothing more nor less at this stage of the proceeding than the execution of the power of making "payment," the right of Williams's heirs to receive payment having become absolute on the performance of the conditions precedent as aforesaid.

Furthermore, I may add, the act was imperative and mandatory in its terms upon the Secretary of War. (See Attorney-General's opinion of April 13, 1877, citing Supervisors *v.* U. S., 4 Wallace, 435; Galena *v.* Amy, 5 Wallace, 705; MacDougal *v.* Peterson, 11 C. B., 755; 8 Opinion, 39, 41, and 546; Exhibit D.)

The act required the Secretary of War to "adjust and settle, upon just and equitable terms, the claim of George Williams for balance due for building locks two, three, and four of Muscle Shoals Canal, on Tennessee River, and on a contract for section-work, done under power of attorney from Matthew G. Kennedy."

Its provisions were "that in making said settlement the said Secretary of War shall not allow the legal representatives of said George Williams, deceased, more than his actual expenditures, with reasonable compensation for the use of tools, and for money advanced in the prosecution of said work," and that "no allowance or payment shall be made under this act except in pursuance of a recommendation of a board of not less than three engineers, to be appointed by the Secretary of War, to inquire into and report upon the character and value of the work done and the merits of the claim."

The words "adjust," "settle," "settlement," "allow," "allowance," and "payment," as they appear in this law, convey to the mind of a reader a meaning of conclusive action, and admit of no other sensible interpretation. They and their accompaniments granted to the head of this department a specific power to determine and *close* the matters at issue in this case. These matters were, and had been for a long time, subjects of controversy by and between the Engineer Bureau and the contractor, and were purely matters of fact. Sums of money had been paid to Williams on account of contracts made with him by an engineer officer in 1875–'6, within the amount appropriated and by authority of law. The payments left an alleged "balance due," and this balance remained in dispute between the parties until Congress acted for the relief of the claimant. The "balance due" could lawfully have been paid prior to 1879, without the further action of Congress, if at any time the amount due had been made known to the satisfaction of the Secretary of War, and it could so have been paid then out of the appropriation for improving the Tennessee River.

Congress, by its act, has recognized this as a claim for a "balance due." This could lawfully be a *balance due* on no other ground than an account of some contract, express or implied, within the meaning of the Revised Statutes of the United States, and in view of the following:

"SEC. 3679. No department of the government shall involve the government in any contract for the future payment of money in excess of appropriations made by Congress.

"SEC. 3732. No contract or purchase shall be made unless the same is authorized by law or is under an appropriation adequate to its fulfillment.

"SEC. 5503. Every officer who knowingly contracts for any public improvement to pay a larger amount than the specific sum appropriated for such purpose shall be punished by fine and imprisonment."

If the claim was for a "balance due" on account of a contract, then there must have existed an appropriation for its payment, else there was a violation of law in making the contract. The act was intended to adjust and settle the claim. The *basis* on which the amount of allowance was to be reached was established by one *proviso*, and the body by which the *facts* were to be tried and found was instituted in another *proviso*. The body (a board of engineers) rendered its findings with recommendation, and thereupon the Secretary of War was in duty bound, in view of this law and on principles of justice, to make the allowance and payment out of any money available for the purpose.*

Money was available for the payment of the "balance due," which, from its inception or existence in any form as a balance due, absolutely related to the specific sum appropriated for improving the Tennessee River, and it was paid from that appropriation accordingly.

V.

In connection with the consideration of the improvement of the Tennessee River, I beg leave to add that the title of the appropriation from 1870 to July 1, 1879, was simply "Improving Tennessee River."

The act approved March 3, 1879 (20 Stat., 367), gave cause for two separate heads

*Nevertheless the record shows that the Secretary of War examined personally the items of the allowance, and not only satisfied his own mind as to their correctness, but also took the opinion of the Chief of Engineers and of the President and Cabinet before final action.

of appropriations, therefore a Treasury warrant of July 1, 1879, carried to the books two new heads of accounts for the appropriations of 1879, so that on July 1, 1879, the appropriations for the Tennessee River came to be regarded and kept under three several titles of appropriations, as follows:

For improving Tennessee River, old balance	$140,000
For improving Tennessee River above Chattanooga, appropriated 1879	11,500
For improving Tennessee River below Chattanooga, appropriated 1879	210,000

The claim of Williams was paid from the old balance of appropriations which, on July 1, 1879, independent of the new appropriations, was $140,000. The balance under the three heads of account are to-day as follows:

Improving Tennessee River	$38,463 28
Improving Tennessee River above Chattanooga	8,500 00
Improving Tennessee River below Chattanooga	70,000 00
Total available	$116,963 28

VI.

The expenditure in the Williams case was to my mind in accordance with law, and was undoubtedly in accordance with the usage in such cases anterior to its payment.

An act making appropriations for the improvement of certain harbors and rivers, approved August 30, 1852, which appropriated money "to be expended under the superintendence of the Secretary of War," was construed by the Second Comptroller as follows:

"90. The appropriation in the river and harbor bill of August 30, 1852 (10 Stat., 56), may legally be applied to the payment of claims accrued prior to the fiscal year 1852–'53, if fairly within the provisions of the act. But the approval of the Secretary of War should be obtained before money is so applied." (Digest Comp., Dec., 1869, p. 13.)

In connection with this matter I invite your attention to an opinion of the Supreme Court of the United States, wherein Mr. Justice McLean, delivering the opinion of the court, said:

"A practical knowledge of the action of any one of the great departments of the government must convince every person that the head of a department, in the distribution of its duties and responsibilities, is often compelled to exercise his discretion. He is limited in the exercise of his powers by the law; but it does not follow that he must show a statutory provision for everything he does. No government could be administered on such principles. To attempt to regulate, by law, the minute movements of every part of the complicated machinery of government would evince a most unpardonable ignorance on the subject. Whilst the great outlines of its movements may be marked out, and limitations imposed on the exercise of its powers, there are numberless things which must be done that can neither be anticipated nor defined, and which are essential to the proper action of the government. Hence, of necessity, usages have been established in every department of the government which have become a kind of common law, and regulate the rights and duties of those who act within their respective limits. And no change of such usages can have a retrospective effect, but must be limited to the future. Usage cannot alter the law, but it is evidence of the construction given to it, and must be considered binding on past transactions." (U. S. *vs.* McDaniel, 7 Peters, 14, 15.)

Very respectfully, your obedient servant,

THOS. H. BRADLEY,
Bvt. Captain U. S. Army.

EXHIBITS.

A.—List of appropriations Tennessee River.
B.—Balances from 1st July, 1875, to same 1879.
C.—List of claims paid from similar appropriations.
D.—Opinion of Attorney-General, April 13, 1877.

No. 56.

EXHIBIT A.

Appropriations for Tennessee River.

Act July 25, 1868 (15 Stat., 174): Appropriated for rivers and harbors $1,500,000, out of which the Secretary of War, on letter of the Chief of Engineers dated July 25, 1868, alloted for the Tennessee River (see report Secretary War 1872, part 2, p. 4, 1879)	$85,000 00
Act April 10, 1869 (16 Stat., 44): Appropriated for rivers and harbors $2,000,000, out of which the Secretary of War allotted, June 19, 1869, for the Tennessee River (see report Secretary War 1872, part 2, p. 4, 1879)	40,500 00
Act July 11, 1870 (16 Stat., 226): "For improvement of the Tennessee River, eighty thousand dollars, to be expended below Chattanooga"	80,000 00
Act 10, 1872 (17 Stat., 372): "For the continuation of the work now in progress on the Tennessee River, below Chattanooga, including the Muscle Shoals, fifty thousand dollars." "For the improvement of the Tennessee River between Knoxville and Chattanooga, twenty-five thousand dollars"	75,000 00
Act March 3, 1873 (17 Stat., 563): "For the improvement of the Tennessee River below Chattanooga, including the Muscle Shoals, one hundred thousand dollars." "For the improvement of the Tennessee River below, above Chattanooga, twenty-five thousand dollars"	125,000 00
Act June 23, 1874 (18 Stat., 240): "For continuing the improvement of the Tennessee River above Chattanooga, twenty-five thousand dollars; and below Chattanooga, including Muscle Shoals, one hundred thousand dollars"	125,000 00
Act March 3, 1875 (18 Stat., 458): "For the improvement of the Tennessee River, above Chattanooga, forty thousand dollars, and below Chattanooga, including the Muscle Shoals, three hundred and sixty thousand dollars"	400,000 00
Act August 14, 1876 (19 Stat., 138): "For the improvement of the Tennessee River, two hundred and seventy thousand dollars; fifteen thousand dollars of which are to be expended above Chattanooga, and the remaining two hundred and fifty-five thousand dollars are to be expended upon Muscle Shoals"	270,000 00
Act June 18, 1878 (20 Stat., 154): "For improving Tennessee River: continuing operations above Chattanooga, fifteen thousand dollars; continuing operations below Chattanooga, including Muscle Shoals, three hundred thousand dollars; fifteen thousand dollars of which sum, or so much thereof as may be necessary, to be expended in the improvement of Duck River Shoals on Tennessee River"	315,000 00
Act March 3, 1879 (20 Stat., 367): "For improving Tennessee River above Chattanooga, eleven thousand five hundred dollars." "For improving Tennessee River below Chattanooga, including Muscle Shoals, and Duck River Shoal, and the shoal at Reynoldsburg, two hundred and ten thousand dollars: *Provided*, That whenever, in the prosecution or maintenance of the work of improving the Tennessee River, between Decatur and Florence, in the State of Alabama, it may be necessary, in the judgment of the Secretary of War, to take possession of any lands or cut-offs, and a reasonable price for the same can be agreed upon between the owner of said lands and the officer in charge of said work on the part of the United States, the Secretary of War may authorize the purchase of said lands: *Provided*, That in case the owner of said lands shall refuse to sell the same at a reasonable price, then the price to be paid shall be determined, and the title and jurisdiction procured, in the manner prescribed by the laws of the State of Alabama; *And provided*, That in either case the entire cost of such lands to the United States shall not exceed ten thousand dollars"	221,500 00
Total	1,737,000 00

No. 57.

EXHIBIT B.

Appropriations for improving Tennessee River—(no limit).

The balances have been merged from year to year and carried forward with the amounts appropriated, and the balances carried over at the termination of each fiscal year and unexpended in the previous years were as follows:

Appropriated.		Unexpended.	
Date.	Amount.	Date.	Amount.
Allotted in 1868 and 1869	$125,500 00	July 1, 1875	$475,000 00
Prior to July 1, 1875	805,000 00	July 1, 1876	310,000 00
August 14, 1876	270,000 00	July 1, 1877	400,000 00
Nothing appropriated 1877		July 1, 1878	530,000 00
June 18, 1878	315,000 00	July 1, 1879	361,500 00
March 3, 1879	221,500 00		
July 1, 1879, the Williams claim was paid			101,536 72
Balance available July 2, 1879			$259,963 28

This balance has not been exhausted, there being available at this date,* in the Treasury undrawn, $116,963.28.

No. 58.

EXHIBIT C.

No. of req'n.	Date.	In whose favor.	No. of settlement cert.	Appropriation.	Amount.
2635	M'ch 10, '75	Wm. D. C. Murdock	2871	Contingencies of fortifications	$3,825 00
2636	"	Mary H. Forrest, adm'x of Baden Forrest, deceased.	3392	"	1,700 00
2637	"	Alexander H. Loughborough, ex'r of Hamilton Loughborough, deceased.	2391	"	1,670 00
2649	M'ch 11, '75	Isaac Whitworth	3940	"	12 60
2966	M'ch 19, '75	Isaac M. Foster	2610	"	38 95
2967	"	William Johnson	4240	"	60 00
5026	May 4, '75	Rachel Dillon	2270	"	7 20
5131	May 11, '75	Daniel Lightfoot	6222	"	940 00
5752	June 24, '75	Capt. S. M. Mansfield	------	"	11 00
6099	July 27, '75	Joel F. Kinney	7252	"	5 34
6152	July 28, '75	Webster Lee	6998	"	30 00
6303	Aug. 19, '75	Julius Witkowski	7395	"	20,705 00
6970	Nov. 23, '75	Pius Boothe	7432	"	572 45
7261	Dec. 30, '75	A. L. Corson, assignee	8170	"	8 06
969	Oct. 12, '76	C. J. White	663	"	64 50
1222	Oct. 23, '76	Ann M. Middleton and H	217	"	400 00
2294	Jan. 17, '77	Fanny U. Grider, adm'x of estate of B. C. Grider, dec'd.	7507	"	2,552 34
2934	M'ch 23, '77	Sam'l Sparhawk, ex'r of John Sparhawk, deceased.	2477	"	2,296 51
4192	May 17, '77	Simon Abeles	2237	"	445 00
4386	June 17, '77	William Hitch	3860	"	193 75
					35,537 70

No. 59.

EXHIBIT D.

DEPARTMENT OF JUSTICE,
Washington, April 13, 1877.

The SECRETARY OF WAR:

SIR: Yours of the 4th inst., addressed to the Attorney-General, calls his attention to an act of Congress (given below) passed on the 3rd of March last; and asks (1) whether

* October 23, 1879.

such act be *mandatory* in all its provisions, and (2) if not thus mandatory, what is the nature and extent of the *discretion* thereby conferred.

The act is as follows:

"AN ACT to authorize the Secretary of War to open and readjust the settlement made by the United States Government with the Western and Atlantic Railroad of Georgia.

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of War is hereby authorized to reopen the settlement made by the United States Government with the Western and Atlantic Railroad of the State of Georgia, and to adjust the same upon the basis and the plan of settlement which was adopted in the settlement made by the Secretary of War with the Nashville and Chattanooga Railroad Company, the East Tennessee and Georgia Railroad Company, and the Nashville and Decatur Railroad Company under the authority of the act of Congress approved March 3, 1871.

"SEC. 2. That when said claims have been adjusted in pursuance of the provisions of this act, the Secretary of War be, and he is hereby authorized to issue his warrant on the Treasury of the United States to the governor of Georgia or his order for the amount of money it is found ought to be refunded to said railroad on account of said settlement."

"Approved March 3, 1877."

This is therefore one of a rather numerous class of cases in which a question arises whether in statute words importing a grant of authority or power to a public officer to do a certain act, render such action in any case imperative. Such words are "shall be lawful," "may," "empowered," "authorized," and the like.

A rule for such cases has recently been laid down as follows by the Supreme Court of the United States in the case of Supervisors *vs.* the United States. (4 Wall., 435.)

"The conclusion to be deduced from the authorities is, that where power is given to public officers, in the language of the act before us, or in equivalent language—whenever the public interests or individual rights call for its exercise—the language used, though permissive in form, is in fact peremptory. What they are empowered to do for a third person the law requires shall be done. * * *

"In all such cases it is held that the intent of the legislature, which is the test, was not to devolve a mere discretion, but to impose a positive and absolute duty."

That was a case in which a certain county being in debt to a bank an act was passed providing that the supervisors of counties "*may, if deemed advisable*," levy a tax to liquidate their debts. The words quoted were held to import a *command* to levy the tax.

The *rationale* of the judgment is that its already existing relation of creditor gave to the bank a right to demand of the county authorities the execution of all their *powers* to make satisfaction; and concluded them as to its *advisability*. (See also Galena *vs.* Amy, 5 Wall., 705.)

In the present case the railroad company is not now a creditor of the United States. There has already been a settlement of its accounts. A question arises whether its relations are such as to warrant an application of the above rule.

The papers show that the company claims that the United States are its debtors because of an alleged overcharge for rolling-stock, &c., sold to it in the year 1865. The original foundation or justice of such claim is of no consequence in the present investigation. Such foundation or justice is not questioned by me, but it is laid out of the case as one that has been passed upon by Congress. The only question here is whether a claim bona fide urged and treated by Congress as deserving consideration, and as coming within a certain rule of administration referred to in the statute constitutes such a special relation as to entitle the claimant to insist that a statute *authorizing* a readjustment thereof is imperative upon the officer so authorized.

I have in this connection considered the leading modern English case, Macdougall *vs.* Paterson (11 C. B., 755), and several other English and American cases, together with three opinions heretofore officially given by Attorney-General Cushing. (8 Ops., 39, 41, and 546.)

From these uniform decisions of the courts I gather that the word "authorize" in such connection confers *jurisdiction*, not *discretion;* that the Secretary of War has jurisdiction to open the settlement, to readjust the accounts upon a certain basis or rule of administration prescribed in the statute, and to draw a warrant for any amount found thereupon to be due; *but* that when applied to by the party interested it is not for him to say whether the settlement shall be reopened, or whether he will apply the rule of action prescribed, any more than whether, upon making a favorable decision, he will draw a warrant upon the Treasury.

In Macdougall *vs.* Paterson (cited above), Jervis, C. J., said: "Critically speaking, the word 'may' is correctly used to describe the sort of authority which a judge has in such cases. He is not bound to act against the plaintiff's wish; but, the fact being

established which gives the authority, he may at the plaintiff's request make the order. * * *

"The general authorities on the subject appear fully to warrant the construction which we have thought ourselves called upon to put on the statute. An early case was cited by Mr. Badeley—Alderman Blackwell's case. One of the questions there raised before Lord Keeper Worth was whether a commission of bankrupt could be denied by the lord chancellor, or whether it was *de jure;* and the lord keeper said: 'I hold that the commission is *de jure*, and the statute which saith that the chancellor *may* grant, &c., is as if it had been "shall grant" or "ought to grant," but he cannot grant *ex officio*, but on request of persons interested.' And he added that it had been so resolved by all the judges. This case (2 Chan. Cas., 191) has been followed by others, * * * which we think support the rule that when a statute confers an authority to do a judicial act in a certain case, it is imperative on those so authorized to exercise the authority when the case arises and its exercise is duly applied for by a party interested and having the right to make the application.

"For these reasons we are of opinion that the word 'may' is not used to give a discretion, but to confer a power upon the court and judges, and that the exercise of such power depends not upon the discretion of the court or judge, but upon the proof of the particular case out of which such power arises."

In the present instance Congress has already decided that a case for the jurisdiction in question has arisen. There is therefore here no precedent "fact" to be established. By the statute the case, whatever it be, preferred by the Western and Atlantic Railroad Company against the United States confers the jurisdiction. The statute thereupon proceeds to set forth a definite rule of administration and a method of giving *satisfaction*. These instructions being observed, Congress has assumed all responsibility for opening the settlement and also for laying down the rule for readjustment.

In regard to Mr. Cushing's opinions above cited, given in the year 1856, I have to say, (1) that in the first the question was whether Congress in *authorizing* the Postmaster-General to pay a certain sum of money to a mail-contractor for the remainder of a term then running intended to *command* such payment. The opinion that it did not so intend rests in great degree upon a context in the same act, quoted by him; (2) that in the second case neither the public nor any third person was interested in the question in the manner required by the rule; and (3) that in the third case (growing out of an act of Congress which provided "that the corporation of Georgetown shall have *full power* and authority to lay, &c., a school-tax") it seems to have been thought that neither private nor public interests were affected in the sense required by the rule, whilst it may be that the color given therein to the general discussion of the rule in question might have been modified had it *followed* instead of *preceding* the recent decisions of the Supreme Court.

To conclude, I answer the former of the questions asked by you in the affirmative, and this of course leaves nothing to be said as to the latter.

Very respectfully, your obedient servant,

S. F. PHILLIPS,
Solicitor-General.

Approved.

CHAS. DEVENS,
Att'y Gen'l.

No. 60.

WAR DEPARTMENT,
Washington, D. C., November 6th, 1879.

Hon. G. G. DIBRELL,
Sparta, Tennessee:

SIR: I have the honor to acknowledge the receipt of your letter dated Sept. 29th, 1879, addressed to the Chief of Engineers, and by him submitted to me in view of your request to be advised of his action in the premises touching an alleged use of an appropriation for improving Tennessee River, for payment of an award in favor of the heirs of George Williams, deceased, for whose relief an act of Congress was approved January 13th, 1879.

Any action the Chief of Engineers could legally have taken in this matter must have been of an advisory nature or secondary to my orders. It therefore becomes my duty to afford you such reasonable information as may be proper and necessary to show the departmental action, which, as of course, includes the action of the Chief of Engineers, and, with this view, to answer your letter to him.

Your communication of Sept. 24th last, which reached me at Keokuk, Iowa, was answered from that point according to my best recollection of the matters in question.

Since my attention has been called to the letter now under consideration, I have

refreshed my memory, and am better prepared here than I was there to advise you of the law and the facts.

On these subjects I have before me an elaborate brief which I will be pleased to show you, if you desire it, when you visit the department, as you probably will, next session. The brief substantially shows the grounds on which my actions were based, and among these are the following:

The act for the relief of the heirs of Mr. Williams expressly authorized the Secretary of War to "adjust and settle upon just and equitable terms the claim," and required him to appoint a board of engineers to determine the matters of fact in controversy. The board reported its conclusions, as to the matters of fact, and found a balance due. The relief act expressly referred to the claim "for balance due," and provided that "no allowance or payment shall be made under this act, except in pursuance of a recommendation of a board." A recommendation was made by a board, and, in pursuance thereof, the Secretary of War was obliged to "adjust and settle" the claim.

The act of January 13th, 1879, was imperative and mandatory upon the Secretary of War, according to an opinion of the Attorney-General in an analogous case, and it was duly executed.

On the first of July last this department issued a requisition to honor a Treasury settlement of an account (§ 236 R. S.) which was an award of $\$101{,}536\frac{72}{100}$ to the heirs of George Williams, deceased. This award was payable and was paid out of a balance amounting to $140,000, which then remained on the books as accrued from appropriations made in previous years for improving Tennessee River, and which sum was exclusive of $221,500, the amount appropriated for the work by the act of March 3rd, 1879 (20 Stat., 367).

The expenditure was within the estimates, was not in excess of appropriations made by Congress, was from an unexpended balance which had accrued from several years' appropriations, and was available for expenditure until otherwise ordered by Congress. The amount was paid from an appropriation which Congress expressly declared should be "expended under the direction of the Secretary of War," and it was applied to a branch of the public service (*i. e.*, improving Tennessee River) which was solely the object for which the appropriation was made, and it was applied to no other. The payment of the claim out of this appropriation balance was in accordance with law, and conformed to the departmental usage established and applied to such obligations long anterior to this payment. An act of 1852 for the improvement of rivers and harbors which appropriated money to be expended under the superintendence of the Secretary of War was construed by the Second Comptroller as follows:

"90. The appropriation in the river and harbor bill of August 10, 1852 (10 Stat., 56), may legally be applied to the payment of claims accrued prior to the fiscal year 1852–'53, if fairly within the provisions of the act. But the approval of the Secretary of War should be obtained before money is so applied." (Digest Comptroller's Decisions, edition 1869, p. 13.)

The unexpended balances of appropriations for rivers and harbors and fortifications which remained upon the books of the Treasury for two fiscal years were not carried to the surplus fund annually after June 20th, 1874, as were other balances of appropriations, but they continued available until otherwise ordered by Congress. (18 Stat., 210.) Such balances as were available for fortifications, under the title Contingencies of Fortifications, were applied from March 10th, 1875, to June 17th, 1877, for the payment of claims accrued during the late war, and some nineteen cases are reported from the records as paid in this way and as precedents which show the effect of the law and the usage. These payments were made on settlements reported by the Comptroller under sections 191 and 236 of the Revised Statutes. This officer's decisions on matters of public accounts and claims are final and conclusive on heads of departments, and he, as well as the Third Auditor, officially sanctioned the payment in the case under consideration Indeed, this payment out of this appropriation balance could lawfully have been made by the head of this department, so far as his authority was concerned, at any time subsequent to the period Mr. Williams' claim accrued, and the payment would have been authorized by laws and usages independent of any act for the relief of Mr. Williams' heirs. The balance of this appropriation available for expenditure on January 23d last amounted to $337,000, and it was fair to presume that Congress intended the claim to be paid out of the same.

The relief act did not require the head of this department to certify or report any facts to Congress. It required him to adjust and settle the claim for balance due, gave him a board of officers to find the facts, and enjoined him in carrying out the law not to make payment of any amount except upon a condition precedent, namely, the recommendation of the board. This condition was fulfilled, and thereupon the Secretary of War had his duty to perform under the law.

The matters of fact were carefully reviewed after they had been decided by the board, and were, together with the matters of law, fully discussed and deliberatively considered by my peers and my advisors, on my request, in order to satisfy any doubts as to my duty in the premises.

In harmony with the conclusions reached the claim was approved by me. It was subsequently passed upon by the proper Treasury officials, as all claims are, and was finally adjusted and settled with payment as above set forth.

I am somewhat impressed with your expressions of anxiety concerning the use of the full amounts of the last appropriations for Tennessee River, and I take occasion to remark that I have no doubt they have been and will be properly applied under the law. I think it possible that you were misinformed as to the necessity which may exist, but is not reported, for throwing a large number of men out of employment.

I find that the balances on the books October 23, 1879, were comparatively large, and were ample to carry on the work, as I understand it, for a considerable period of time without any inconvenience—the balances then being as follows:

Improving Tennessee River	$38,463 28
Improving Tennessee River above Chattanooga	8,500 00
Improving Tennessee River below Chattanooga	70,000 00
Total available	$116,963 28

If any further information is requisite to disabuse your mind of impressions that this department has made a mistake in this matter, or in any other matter since under my charge, I will thank you to advise me of the fact, in order that proper and necessary steps may be forthwith taken to set the matter right.

Very respectfully, &c.,

GEO. W. McCRARY,
Secretary of War.

No. 61.

TREASURY DEPARTMENT,
SECOND COMPTROLLER'S OFFICE,
Washington, D. C., December 2, 1879.

To the Hon. SECRETARY OF WAR:

SIR: I have the honor to acknowledge the receipt of your letter of the 1st instant, requesting my views as to the propriety of the payment from unexpended balances of the appropriation for the improvement of the Tennessee River, of requisition No. 4212, countersigned by this office July 2, 1879, and to reply as follows:

The case as presented is this: George Williams held an unliquidated claim against the government for work done in the years 1876 and 1877 in building locks of the Muscle Shoals Canal, on Tennessee River, under contracts executed in the years 1875 and 1876.

By the act of January 13, 1879, Congress recognized "the legal representatives of George Williams" as the persons entitled to receive whatever might be found due under these contracts, and authorized the Secretary of War "to adjust and settle, upon just and equitable terms," the said claim of George Williams. The act imposing this duty on the Secretary of War being as follows:

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of War be, and is hereby, authorized to adjust and settle, upon just and equitable terms, the claim of George Williams for balance due for building locks two, three, and four of Muscle Shoals Canal on Tennessee River, and on a contract for section work done under power of attorney from Mathew C. Kennedy: *Provided*, That in making said settlement the said Secretary of War shall not allow the legal representatives of said George Williams, deceased, more than his actual expenditures, with reasonable compensation for the use of tools, and for money advanced in the prosecution of said work: *And provided further*, That no allowance or payment shall be made under this act except in pursuance of a recommendation of a board of not less than three engineers to be appointed by the Secretary of War to inquire into and report upon the character and value of the work done and the merits of the claim." (20 Stat., p. 591.)

There is no question but this act conferred certain rights or privileges on the legal representatives of Williams, and because it conferred such rights or privileges it imposed a duty on the Secretary of War to adjust and settle the claim. Ordinarily, and without the special act above quoted, the duty of adjusting the claim, that is, ascertaining and certifying the balance due, would have belonged to the accounting officers, whose powers are limited to an ascertainment of the amount legally due by the terms of the contract. The title shows the act to be a relief act, and its whole tenor shows that it was intended to afford equitable relief, such as could not be lawfully afforded in the ordinary process of auditing public accounts.

The reference in the act to actual expenditures and use of tools shows conclusively

that claimants were relieved from certain express stipulations of the contract in regard to rates of compensation, and explains the phrase "just and equitable terms."

I think there can be no doubt but that the Secretary of War was, by the act, charged with the duty of ascertaining the reasonable value of the expenditures and the use of tools. No question is made but that the two provisos of the act were complied with, and the only point deemed questionable relates to the appropriation applicable to the payment of the claim.

The claim in question is, admittedly, for work done under a contract, lawfully made, "for the improvement of Tennessee River," and if, by the special act above quoted, the claimants are now allowed a larger sum for that work than could have been legally allowed by the accounting officers for the same work under the strict terms of the contract, still it is an allowance for that work, and any fund that would have been available for the lesser amount is equally applicable to the payment of the amount awarded, and payment of the award from any fund that might have been applied on the original contract is a proper application of money within the meaning of section 3678 of the Revised Statutes.

If there is any question as to the legality of applying the balance remaining in the fund for "the improvement of Tennessee River," it depends on the applicability to river and harbor appropriations of the restriction contained in section 3679 of the Revised Statutes, to the effect that "no department of the government shall expend in any one fiscal year any sum in excess of appropriations made by Congress for that fiscal year, or involve the government in any contract for the future payment of money in excess of such appropriations."

Aside from the effect of the subsequent statute of June 20, 1874, which provides that unexpended balances of river and harbor appropriations shall not be covered into the Treasury, but "shall continue available until otherwise ordered by Congress," an examination of the general subject of river and harbor appropriations leads to the conclusion that they have not been treated by Congress as appropriations made for particular fiscal years. The limit for these expenditures, respectively, as indicated by Congress, is not in general a limit of time, but a limit of accomplished work.

Several of the acts which appropriate money for the improvement of Tennessee River make no allusion to any particular year, and in these acts the appropriations are not even in form, much less in substance, appropriations for particular fiscal years. (Sec. 17, Stat., pp. 372 and 563; 18 Stat., pp. 240 and 458; 19 Stat., 138; 20 Stat., 154 and 367.)

Inasmuch as the general legislation on the subject of river and harbor improvements so corresponds with the continuing character necessarily belonging to that class of works as to indicate a manifest intention not to classify those appropriations with annual appropriations made to meet the recurring expenses of each fiscal year, and especially as the act of June 20, 1874, excepts river and harbor appropriations from the covering-in acts, and expressly declares that they "shall continue available until otherwise ordered by Congress," I think it clear that they are not appropriations made for a particular fiscal year, within the meaning of section 3679 of the Revised Statutes.

In cases where there are balances of appropriations of former years remaining unexpended after payment has been fully made on all contracts and expenditures, it would be impossible to make such balances available without expending in some one fiscal year sums "in excess of appropriations made by Congress for that fiscal year."

For these reasons I think the legal representatives of said Williams, deceased, became lawfully entitled to payment of the balance found due them out of the unexpended balance remaining in the fund still applicable to the expenses of improving the Tennessee River.

Very respectfully,

W. W. UPTON, *Comptroller*

No. 62.

FORTY-SIXTH CONGRESS, SECOND SESSION.

CONGRESS OF THE UNITED STATES,
IN THE HOUSE OF REPRESENTATIVES,
January 14, 1880.

On motion of Mr. G. G. DIBRELL,

Resolved, That the Secretary of War be, and he is hereby, requested to furnish to this House a certified copy of the contract entered into by the late George Williams, of Iowa, for work upon the improvements in the Tennessee River at Muscle Shoals, together with a copy of the claim filed by said Williams, or his heirs, the names

of the engineers appointed to re-examine said work, with a copy of their report, together with all testimony on file in support of or touching said claim, and the authority upon which he paid said award.

Attest:

GEO. M. ADAMS, *Clerk*,
By GREEN ADAMS, *Chief Clerk*.

No. 63.

Respectfully referred to the Third Auditor of the Treasury, with request that certified copies of all the papers herein called for be furnished to this Department at an early date.

A copy of the pamphlet brief (54 printed pages) is herewith forwarded to save copying.

ALEX. RAMSEY,
Secretary of War.

WAR DEPT., *Jan.* 16, 1880.

No. 64.

TREASURY DEPARTMENT,
THIRD AUDITOR'S OFFICE,
Washington, D. C., February 11, 1880.

SIR: In compliance with your request, indorsed upon copy of resolution of Congress, dated January 4, 1880, herewith returned, I enclose copies of the papers called for duly certified.

Respectfully,

E. W. KEIGHTLEY, *Auditor.*

Hon. ALEXANDER RAMSEY,
Secretary of War.

No. 65.

FORTY-SIXTH CONGRESS, SECOND SESSION.

CONGRESS OF THE UNITED STATES,
IN THE HOUSE OF REPRESENTATIVES,
January 20, 1880.

On motion of Mr. OMAR D. CONGER,

Resolved, That the Secretary of War be, and he is hereby, requested to furnish to this House certified copies of any and all correspondence and reports filed in his office since July 2, 1879, touching the payment of a claim under the provisions of an act approved January 13, 1879, for the relief of George Williams.

Attest:

GEO. M. ADAMS, *Clerk.*

46TH CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { Ex. Doc. 56, Part 2.

ADDITIONAL PAPERS IN CLAIM OF GEORGE WILLIAMS.

LETTER

FROM

THE SECRETARY OF WAR,

TRANSMITTING

Additional papers in claim of George Williams.

MARCH 26, 1880.—Referred to the Committee on Military Affairs and ordered to be printed.

WAR DEPARTMENT,
Washington City, March 23, 1880.

SIR: I have the honor to transmit herewith certain papers recently received at this office, and found to be in connection with the papers called for by House resolutions of January 14 and 20, 1880, touching the payment of the claim of the legal representatives of George Williams.

The resolutions were answered by my communication of February 13, 1880, and all the papers were referred to the Committee on Military Affairs and ordered printed.

I recommend that these papers be referred to the same committee, be ordered printed, and be annexed, if practicable, to the others in the case.

Further data on the subject-matter treated in the papers transmitted to the House may be found in Senate Mis. Doc. 44, second session Forty-sixth Congress, and in a statement of appropriations furnished to the Senate and ordered printed on the 22d instant.

ALEX. RAMSEY,
Secretary of War.

To the SPEAKER *of the House of Representatives.*

PAPERS INCLOSED.

Chief of Engineers to Secretary of War, March 9, 1880.
Hon. Mr. Dibrell to Chief of Engineers, March 1, 1880.
Major King to Board of Engineers, March 27, 1879.
Secretary of War to Chief of Engineers, April 15, 1879.
Major King to Chief of Engineers, April 18, 1879.
Major King to Chief of Engineers, July 30, 1879.
Hon. Mr. Dibrell to Major King, September 18, 1879.
Major King to Hon. Mr. Dibrell, September 24, 1879.
Senator Morgan to Secretary of War, March 10, 1880.
Major King to Chief of Engineers, March 18, 1880.

[Copy of 2830, W. D., 1880.]

OFFICE OF THE CHIEF OF ENGINEERS,
UNITED STATES ARMY,
Washington, D. C., March 9, 1880.

SIR: I have the honor to inclose copies of papers relative to the settlement of the claim of George Williams, deceased, as provided for by an act for the relief of his legal representatives, approved January 13, 1879, called for by the Hon. G. G. Dibrell, in his letter of the 1st inst., herewith transmitted, with the suggestion that they be sent to the Speaker of the House of Representatives for the information of the Committee on Military Affairs. Other papers called for by Mr. Dibrell are filed with the report of the board of engineers appointed to examine the claim, and understood to have been sent to the House of Representatives by the War Department, in response to House resolutions of January 14 and 20, 1880.

Very respectfully, your obedient servant,

H. G. WRIGHT,
Chief of Engineers, Brig. and Bvt. Major-General.

Hon. ALEXANDER RAMSEY,
Secretary of War.

[Copy of inclosure 1, 2830, W. D., 1880. Docket 1779.]

HOUSE OF REPRESENTATIVES,
Washington, D. C., March 1, 1880.

DEAR SIR: I respectfully ask that you send me a copy of the letter of Maj. W. R. King, engineer in charge at Chattanooga, dated about 27th March, 1879, and addressed to the board of engineers appointed to examine the claim of George Williams for work on Muscle Shoals improvement. Also, copies of his letters to you for months of February, April, July, and December, 1879.

I request this in this manner, rather than by resolution in Congress.

Your early and prompt response will oblige

Yours truly,

G. G. DIBRELL.

General H. G. WRIGHT,
Chief of Engineers.

[Copy of inclosure 2, 2830, 1880.]

UNITED STATES ENGINEER OFFICE,
Chattanooga, Tenn., March 27, 1879.

MESSRS: In compliance with your request I have the honor to submit the following memoranda:

1. Referring to the Kennedy contract, Mr. Williams claims that he engaged in that work "because the engineer in charge had not the plans of the locks completed, and was not ready for me [him] to begin work upon them." The power of attorney under which he began this work was dated August 11, 1876.

In his letter of May 24, 1877 (page 47 of his pamphlet), he says his "skilled laborers and workmen actually commenced work on locks 3 and 4 in June, 1876, and have continued at work ever since with such diligence as the locality and elements would permit." From his own statement, then, he had been at work on the locks some two months when he took up Kennedy's contract. I may add that he did not do this "at the earnest solicitations of the engineer in charge of the work." The first I heard of the proposed power of attorney was by a telegram asking if I would recognize such an arrangement.

The pretended damage on account of not having to move the old tow-path embankment and build unnecessary slope wall has been fully discussed in reports which are no doubt familiar to the board.

In this connection I will read a few letters to and from the assistant engineer in charge of the work, to show the manner in which the contractor attempted to carry on this part of the work.

I will also invite attention to section 3477, United States Revised Statutes, which requires that in claims of this nature a power of attorney must be executed after a claim has been allowed and the amount determined.

1. The claim upon lock-work is based upon certain statements (from 1 to 7 inclusive) which are in every material item untrue. Taking them in their order (page 4), it may be proved by unquestionable documentary and oral evidence—

1st. That there *was* a drawing of the proposed locks exhibited to bidders, showing curved work, arches, &c.

2d. The bidders were *not* informed that the work would be similar to the locks at Keokuk.

3d. There was nothing to induce the belief that the walls would have a thickness of from 17 to 20 feet, and Mr. Williams, himself, told me on two or three occasions that the reason why he bid only $5 per thousand for timber foundations was *because he knew they would not be required.*

4th. The character of the work upon these locks has *not*, since his bids were made, been *materially* and *radically* changed in any way that could work to the disadvantage of the contractor.

a. Lock 2 has been arranged so that it can be used for a lift of 6 feet, lock 3 for 12 feet, and lock 4 for 11½ feet, but

b. The chamber walls of lock 2 are 14 feet high, or one foot *lower* than they were shown in the original drawing; lock 3 is 20 feet high, or exactly as shown in the original drawing, and lock 4 is two feet *lower*, except the upper bay, which is only six inches lower.

c. Thickness of the chamber walls has been somewhat reduced, but this reduces the quantity of rubble, which was *least profitable* for the contractor, and does not affect the quantity of cut stone.

d. The foundations were not built of *cut stone* instead of timber filled with conc rete, and the latter is distinctly *not* required by contract.

The foundation is solid rock, and the so-called foundation of cut stone is nothing but a portion of the side walls of the lock below grade, which was built in part of rubble and part concrete, and the quantity of this masonry below grade was very considerably increased by the contractor himself, in violation of orders, by blasting deeper than was necessary, thus compelling the government to pay for unnecessary excavation and afterwards for masonry to replace it. More than this, had the contractor been compelled to put in timber and concrete, as he pretends he wanted to, it would have cost him at least $40 per thousand more than his contract price, or on the three locks he would have lost from $45,000 to $50,000 on this one item.

5th. He was *not* delayed by the engineer in charge in the commencement of the work as the monthly reports and correspondence will show. (See page 47 of pamphlet.)

6th. He was *not* hindered and delayed by changing of plan. There is not one scrap of writing on file in this office nor elsewhere, so far as I have ever heard, to show that any work already done, or even begun, was rendered useless by any change of plan. No such charge was made, to my knowl edge, until near the close of the work, when this claim began to take form.

The changes of plan and detail were all made in the interest of the government, but great care was taken to ascertain exactly how they would affect the contractor, as I well knew that advantage would be taken of any pretext for extra compensation. In many cases he was allowed a choice of ways in doing a given piece of work, and many of the changes now complained of were made *at the earnest solicitation of the contractor himself.* In all cases he was allowed the benefit of a doubt, and the specifications were liberally construed. As an illustration of this, it may be mentioned that one item of allowing the back of the coping and a part of the lower course of facing to be laid with quarry faces saved from $1,000 to $1,500 to the contractor in the cost of stone-cutting.

He was relieved from the expense of putting iron dowels and clamps in the miter-sills and coping which saved him hundreds of dollars.

He was paid tri-monthly, instead of on monthly estimates, for a whole year, and was paid his retained percentage on lock No. 3 before it was due in order to enable him to tide over alleged financial embarrassments.

He was allowed a whole year's extension of his contract time in order to enable him to complete his work, notwithstanding the reduction of quantities complained of, and notwithstanding the assertion often made that he "could build one of the locks in sixty days." The extension of time not only interfered with other proposed work, but necessitated the continuance of an engineer party to inspect and measure the work done, which cost the government about $10,000 for the extra time granted.

Several modifications of his contract were made, at his suggestion, to enable him to keep the balance of his men and tools advantageously employed, while a small force completed the locks, for which extra work he was paid nearly $10,000.

And finally, after the work was completed, the government purchased not only all his tools, railroad engines, &c., but the temporary buildings and unused stone, iron, cement, and other materials, at a liberal price based on the value of the property in its present condition and location, and was at least $15,000 more than this property could have been sold for under any other circumstances, as most of it would have greatly depreciated in value if removed.

On the other hand, it has been a constant source of trouble to prevent the contractor and his employés from evading the plainest requirements of the contract, both on section and lock work. They would neglect ramming the earth; cover up stumps instead of grubbing them out; patch up cut stones from which spalls had broken off; set stones after they had been condemned, and cover them up with other masonry, or ship them

to another lock where there was a different inspector; put too much sand in the mortar, &c.

As to the value of the work done by the contractor, it may be stated—

a. Taking the actual quantities of excavation, masonry, &c., instead of those on which the contract was awarded, and other parties would have had the contracts for the two larger locks (3 and 4).

b. After beginning his work on these locks, the contractor voluntarily took the contract for building lock No. 2 at prices very much lower, viz, $1 a yard instead of $2 for rock excavation; 25 cents *vs.* 50 cents for earth; $14 per yard *vs.* $16 for cut stone, &c.

c. Although offered the option of leaving out the miter-sills he declined to do so, although they were, next to the hollow quoins, the most expensive parts of the cut stone.

d. Other parties, having inspected his work when nearly completed, offered to do similar work very much cheaper. (See Table 1, hereto appended.)

e. Mr. Williams, himself, just before this time told me that he would do the new work *lower* than the *lowest bid that might be offered*, but he subsequently said that he would not bid at all, and finally said he would put in a bid *on advice of his counsel*, which he probably did as it was a high one.

As to the necessary cost of the work, I am satisfied that it was managed in an extravagant and unbusinesslike manner in many respects, among which may be mentioned—

a. The taking of his superintendent into partnership in the commissary stores, which gave him an interest hostile to that of his employer.

b. The hiring of whole plantations in order to get a monopoly of the whisky business.

c. The neglect to lay aside, at the proper time, large stones suitable for hollow quoins and coping, in order to get ahead with straight work and secure immediate estimates. This made it very costly to quarry these large stones exclusively, and, at the end of the work, caused the contractor to put in some heavy blasts and seriously injure the quarries.

Another important consideration bearing upon the question is the fact that the contractor did this work with the avowed understanding that he would not in any case *lose* anything, but that in the end the government would have to make up any deficiency. He declared repeatedly in my presence, and before others, that he could not only get all the time he wanted, but that he considered all money paid out on this work as only loaned to the government.

Of course with such views a contractor's ideas of economy would be very different from those of one who was conscientiously fulfilling an unprofitable contract, expecting to meet the losses himself.

Respectfully submitted.

W. R. KING,
Captain of Engineers.

To the BOARD OF ENGINEERS
Convened to report upon the claim of the estate of George Williams.

TABLE 1.—*Cost of locks 2, 3, and 4, Muscle Shoals Canal, on the basis of actual quantities and taking prices given in the bids opened May 15, 1877.*

Name of bidder.	Excavation.			Masonry.			Total.	Allowances.		Total allowance.	Total, less allowance.
	Earth, cubic yards. Locks— 2.. 1,471.3 3..13,392.78 4.. 7,632	Solid rock, cubic yards. Locks— 2.. 3,717.7 3.. 1,855.81 4.. 2,122.8	Old locks, cubic yards. Locks— 2... 907.48 3...2,196.82 4...2,125.41	Cut stone, cubic yards. Locks— 2..1,341.422 3..2,165.685 4..2,083.479	Rubble, cubic yards. Locks— 2..1,609.944 3..4,601.6 4..4,848.226	Concrete, cubic yards. Locks— 2...101.04 3... 39.9 4.....		Stone from old locks used as facing, cub. yds. Locks— 2..... 3..... 4...10.74	Stone from old locks used as backing, cub. yds. Locks— 2..... 3..317.4 4..479.99		
	22,696.08	7,696.31	5,229.71	5,587.586	11,059.77	140.94		10.74	797.39		
	Per cub. yd.	*Per cub. yd.*	*Per cub. yd.*	*Per cub. yd.*	*Per cub. yd.*	*Per cub. yd.*		*Per cub. yd.*	*Per cub. yd.*		
Seth N. Kimball	$0 35 7,943 63	$1 25 9,620 39	$1 00 5,229 71	$13 50 75,432 41	$6 00 66,358 62	$6 00 845 64	$165,430 40	$5 00 53 70	$2 00 1,594 78	$1,648 48	$163,781 92
H. S. Dale	0 35 7,943 63	1 47 11,313 58	1 00 5,229 71	15 00 83,813 79	6 25 69,123 56	6 00 845 64	178,269 91	3 50 37 59	1 50 1,196 09	1,233 68	177,036 23
Wood, Ingerson & Allen	0 50 11,348 04	1 75 13,468 54	1 00 5,229 71	15 00 83,813 79	6 00 66,358 62	7 00 986 58	181,205 28	5 00 53 70	2 00 1,594 78	1,648 48	179,556 80
Satterlee, Cameron & Perry	0 22 4,993 14	2 00 15,392 62	85 4,445 25	16 00 89,401 38	6 20 68,570 57	4 50 634 23	183,437 19	11 00 0 74	1 00 797 39	808 12	182,629 06

Amount paid to George Williams, Lock 2	$35,547 72
Do.....Lock 3	79,480 89
Do.....Lock 4	76,958 79
	191,987 40

NOTE.—The above figures are correct and are essentially the same as given to the board, but may not be in exactly the same form, as I am unable to find the retained copy.

W. R. KING,
Major of Engineers.

[Copy of inclosure 5, 2830, W. D., 1880.]

Gen H. G. WRIGHT,
Acting Chief of Engineers:

Please report the amount of unexpended balance of appropriations for improvement of Tennessee River, and inform me what portion of same is covered by contracts for which the United States are bound. What I desire to know is, what balance if any i applicable to payment of claim of the estate of George Williams, recently reported on by a board of engineers.

GEO. W. McCRARY,
Secretary of War.

APRIL 15, 1879.

[First indorsement.]

OFFICE OF CHIEF OF ENGINEERS,
April 15, 1879.

Respectfully referred to Capt. W. R. King, Corps of Engineers, for early report.
By command of the Acting Chief of Engineers.

JOHN G. PARKE,
Major of Engineers.

[Second indorsement.]

UNITED STATES ENGINEER OFFICE,
Chattanooga, Tenn., April 18, 1879.

Respectfully returned to the Acting Chief of Engineers with report of this date.

W. R. KING,
Captain of Engineers.

[Copy of inclosure 4, 2830, W. D., 1880.]

UNITED STATES ENGINEER OFFICE,
Chattanooga, Tenn., April 18, 1879.

GENERAL: In compliance with your indorsement on the inclosed letter, I have the honor to report—

1st. The appropriations under which the contracts of George Williams and M. G. Kennedy were made have been entirely expended.

2d. If the appropriation of June 18, 1878, "for continuing operations below Chattanooga, including Muscle Shoals," is applicable to the payment of this claim, there is unexpended (April 18) $273,775

Of which sum there is pledged under written contract	$123,000	
Bills outstanding	7,000	
Pay-rolls and rent due	30,000	
Set apart by act for Duck River Shoals (balance)	12,800	
		172,800
Balance		100,975

There should also be deducted a sum sufficient to pay for inspection and contingencies of contract-work, and to continue work by hired labor until it can be closed up without loss to the government or injustice to employés, which would probably amount to about $60,000, leaving an available balance of $40,975.

3d. In this statement I have not included the appropriation of March 3, 1879, as I do not know whether it is to be made available.

Very respectfully, your obedient servant,

W. R. KING,
Captain of Engineers.

The CHIEF OF ENGINEERS, U. S. A.,
Washington, D. C.

[Copy of inclosure 3, 2830, W. D., 1880.]

UNITED STATES ENGINEER OFFICE,
Chattanooga, Tenn., July 30, 1879.

GENERAL: On the 15th of August, 1878, all the tools, buildings, machinery, and unused materials on the work at Muscle Shoals, belonging to the late George Williams,

were authorized to be purchased at a sum not to exceed $35,000; and all of this property that could be turned over by the administrator, amounting to $31,576.25, was purchased and paid for in August and September last. The balance of the property, consisting of railroad track, cars, &c., having been leased to another contractor, was not turned over until the 22d instant.

I would respectfully request to be informed whether the value of this property was included in the $101,536.72 paid on special Treasury settlement of June 25, 1879, or whether this additional sum is to be paid to the representatives of the contractor.

Very respectfully, your obedient servant,

W. R. KING,
Major of Engineers.

The CHIEF OF ENGINEERS, U. S. A.,
Washington, D. C.

[Copy of inclosure 6, 2830, W. D., 1880.]

SPARTA, TENN., *September* 18, 1879.

DEAR SIR: I learn the Secretary of War is withholding a part of the appropriation for the Muscle Shoals to pay the claim of George Williams, deceased.

Will you please give me the facts in the case? The bill that passed for the relief of Williams simply directed the Secretary of War to appoint competent engineers to settle with Williams's executors and report, and no money was set apart to pay the claim, nor has the Secretary of War any authority to divert the money appropriated to carry on this work, to pay old debts.

Williams's bill could never have passed the House but for the assurance of all parties interested that it would not interfere with the appropriation then pending. If necessary, I will go to Washington to see about it. I only learned accidentally a few days ago that there was trouble about it.

Your early reply will oblige

Yours truly,

G. G. DIBRELL.

Major KING,
United States Engineer in charge of Tennessee River Improvement.

[Copy of inclosure 7, 2830, W. D., 1880.]

UNITED STATES ENGINEER OFFICE,
Chattanooga, Tenn., September 24, 1879.

DEAR SIR: In reply to your letter of the 18th, asking whether a part of the appropriation for Muscle Shoals has been set apart to pay the claim of George Williams, deceased, I would say that about the 1st of July I was notified that a "special Treasury settlement" had been made in favor of the heirs of George Williams for $101,536.72, to be paid from the appropriation for improving Tennessee River.

When this claim was taken up by Congress it passed beyond my jurisdiction, and I am therefore unable to give you any further facts of the case, though you can doubtless obtain any desired information by correspondence with the Chief of Engineers. I do not think it would be of any avail to go to Washington, as you suggest, though you doubtless know better about that than I do.

You will, perhaps, recollect asking me, when you were here about a year ago, whether there was any reason why the bill for the relief of George Williams ought not to pass, and that I replied in substance, that although the contractor had been paid fully and even liberally, and that there was no reason or excuse for his demanding the bill, I was of opinion it could do no harm. The bill, as I then understood it, provided for a settlement *under the contract* and on the *merits of the claim*. The words "on contract" were subsequently stricken out, and I was, of course, very much surprised to see the bill pass in that shape, and apparently with the approval of members from this section.

We have had a remarkably good season for work, and a large force of men have been at work all summer, the number varying from 14 to 1,900.

The number is now much smaller, and will be still further reduced to avoid stopping altogether. I expect to keep a small force of quarrymen and stone-cutters at work as long as possible in order to push the masonry, which, owing to the delay of contractors, is much behind the other work, and I hope that as soon as Congress meets a special appropriation will be made to keep the work going until the regular river and harbor bill passes.

You have doubtless heard that it has been proposed to hold a river convention this fall at Huntsville to take measures to secure a more liberal appropriation.

Very respectfully, yours,

W. R. KING,
Major of Engineers.

Hon. G. G. DIBRELL,
Sparta, Tenn.

[Copy of 2870, W. D., 1880.]

SENATE CHAMBER,
Washington, March 10, 1880.

SIR: In Senate Mis. Doc. No. 44, on page 19, I notice that Major King states that "the amount of money in the Treasury ($68,463.28) is pledged for payment of work under contract with S. N. Kimball for building locks Nos. 8, 9, and 10" on the Muscle Shoals Canal. He further says, "of the amount of funds in my hands ($43,607.38), $10,000 are set apart for the purchase of lands."

He states also (on page 22) that Kimball's contract was modified May 12, 1878, and expired by limitation on the 1st January, 1880.

Will you please inform me under whose orders these sums have been respectively so "pledged" and "set apart," and whether it is not still practicable and consistent with justice and equity that these sums shall be applied to the current expenditures which Major King's report shows to be so necessary in the interests of economy, &c.? I infer from his report that even these two sums, aggregating $78,463.28, would not be enough to carry on the work in a proper way when added to the sum in his hands.

I wish to be enabled to explain these matters to the Senate, since I find that it will require some effort to pass the House bill if it is reported adversely by the Committee on Commerce, as is expected.

Unless Mr. Kimball has some valid pledge of this fund in the Treasury, or some equitable right of preference in its disbursement, and unless the $10,000 "set apart for the purchase of land" is immediately needed for that purpose, I hope the money may be applied to the current necessities of the work.

I respectfully ask for information on these points, so that I may answer upon them in the Senate in support of the House bill.

Very respectfully, your obedient servant,

JOHN T. MORGAN.

Hon. ALEX. RAMSEY,
Secretary of War.

Respectfully referred to the Chief of Engineers for report.
By order of the Secretary of War.

H. T. CROSBY,
Chief Clerk.

WAR DEPARTMENT, *March* 13, 1880.

[Second indorsement.]

OFFICE CHIEF OF ENGINEERS, U. S. ARMY,
March 16, 1880.

Respectfully referred to Maj. W. R. King, Corps of Engineers, for prompt report.
Senate Mis. Doc. No. 44, Forty-sixth Congress, second session, referred to herein, is inclosed. To be returned.
By command of Brigadier-General Wright.

JOHN G. PARKE,
Lieutenant-Colonel of Engineers, Bvt. Maj. Gen., U. S. A.

[Third indorsement.]

UNITED STATES ENGINEER OFFICE,
Chattanooga, Tenn., March 18, 1880.

Respectfully returned to the Chief of Engineers, with accompanying report of this date.

W. R. KING,
Major of Engineers.

[Fourth indorsement.]

OFFICE CHIEF OF ENGINEERS, U. S. ARMY,
March 20, 1880.

Respectfully returned to the honorable the Secretary of War inviting attention to the accompanying copy of the report of Maj. W. R. King, Corps of Engineers, dated 18th inst., to whom it was referred.

It is believed that this report will afford the information sought.

JOHN G. PARKE,
Acting Chief of Engineers.

[Copy of inclosure 1 of 2870, W. D., 1880.]

UNITED STATES ENGINEER OFFICE,
Chattanooga, Tenn., March 18, 1880.

GENERAL: In reply to your indorsement on the inclosed letter from Senator Morgan, I have the honor to report that the contract of S. M. Kimball was in force up to January 1, 1880, the date fixed for its completion, and up to that time it was necessary to reserve funds sufficient to pay for work done under the contract.

The contractor having failed to complete his work at that time, the Secretary of War authorized the annulment of the contract, and there are now no funds pledged on that account. The funds thus released have enabled the work to continue on a reduced scale since the 1st of January, and but for these funds it would have been necessary to stop the work nearly three months ago.

The $10,000 for purchase of land was set apart by the appropriation act, and is being expended in buying such land as is absolutely necessary for straightening and extending the canal. It is impossible to tell just how much will be required for this purpose, as the land titles are in great confusion, and it will require several months to complete the purchases.

The entire amount of funds now available for continuing the work is $24,943.

I may add that in order to carry on this work properly and economically, we should expend at least $40,000 per month. Every dollar less than that amount adds to the cost of the work, as well as to the time necessary to complete it so that it can be utilized.

Very respectfully, your obedient servant,

W. R. KING,
Major of Engineers.

CHIEF OF ENGINEERS, U. S. A.,
Washington, D. C.

46TH CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { EX. DOC. No. 57.

INTEROCEANIC CANAL.

MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

TRANSMITTING,

In response to a resolution of the House of Representatives, copies of correspondence in relation to the Interoceanic Canal.

MARCH 8, 1880.—Referred to the Select Committee on the Interoceanic Ship Canal and ordered to be printed.

To the House of Representatives:

I transmit herewith the report of the Secretary of State and the accompanying papers, in response to the resolution adopted by the House of Representatives on the 10th of February last, requesting "copies of all correspondence in relation to the interoceanic canal which may have passed between this government and foreign governments; also between this government and its own representatives in other countries; and between this government and individuals interested in, or proposing to be interested in, negotiations for the construction of such a canal; and that he communicate to this House what, if any, treaty obligations with other governments rest upo n this government."

In further compliance with the resolution of the House I deem it proper to state briefly my opinion as to the policy of the United States with respect to the construction of an interoceanic canal, by any route, across the American isthmus.

The policy of this country is a canal under American control. The United States cannot consent to the surrender of this control to any European power or to any combination of European powers. If existing treaties between the United States and other nations, or if the rights of sovereignty or property of other nations stand in the way of this *policy*—a contingency which is not apprehended—suitable steps should be *taken* by just and liberal negotiations to promote and establish the American policy on this subject consistently with the rights of the nations to be affected by it.

The capital invested by corporations or citizens of other countries in such an enterprise must in a great degree look for protection to one or more of the great powers of the world. No European power can intervene for such protection without adopting measures on this continent which the United States would deem wholly inadmissible. If the pro-

tection of the United States is relied upon, the United States must exercise such control as will enable this country to protect its national interests and maintain the rights of those whose private capital is embarked in the work.

An interoceanic canal across the American isthmus will essentially change the geographical relations between the Atlantic and Pacific coasts of the United States, and between the United States and the rest of the world. It will be the great ocean thoroughfare between our Atlantic and our Pacific shores, and virtually a part of the coast line of the United States. Our merely commercial interest in it is greater than that of all other countries, while its relations to our power and prosperity as a nation, to our means of defense, our unity, peace, and safety, are matters of paramount concern to the people of the United States. No other great power would under similar circumstances fail to assert a rightful control over a work so closely and vitally affecting its interest and welfare.

Without urging further the grounds of my opinion, I repeat in conclusion that it is the right and the duty of the United States to assert and maintain such supervision and authority over any interoceanic canal across the isthmus that connects North and South America as will protect our national interests. This, I am quite sure, will be found not only compatible with, but promotive of, the widest and most permanent advantage to commerce and civilization.

RUTHERFORD B. HAYES.

EXECUTIVE MANSION,
March 8, 1880.

NOTE.—The report of the Secretary of State and accompanying documents, this day sent with a message from the President to the Senate in answer to a resolution of the Senate of the 11th of February last upon the subject-matter of this message, are also respectfully submitted herewith in response to the resolution of the House of the 10th ultimo.

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46TH CONGRESS, 2d Session. HOUSE OF REPRESENTATIVES. Ex. Doc. No. 58.

REPORT OF MISSISSIPPI RIVER COMMISSION.

LETTER

FROM

THE SECRETARY OF WAR,

TRANSMITTING

The preliminary report of the Mississippi River Commission.

MARCH 10, 1880.—Referred to the Committee on Commerce and ordered to be printed.

WAR DEPARTMENT,
Washington City, March 10, 1880.

The Secretary of War has the honor to transmit to Congress, in compliance with the provisions of the act approved June 28, 1879 (chap. 43, Pamphlet Laws, page 38), a preliminary or partial report of the Mississippi River Commission, with the papers accompanying the same; also a minority report of two members of the Commission.

Respectfully submitted.

ALEX. RAMSEY,
Secretary of War.

The SPEAKER
of the House of Representatives.

THE MISSISSIPPI RIVER COMMISSION,
PRESIDENT'S OFFICE, ARMY BUILDING,
33 WEST HOUSTON STREET,
New York, March 6, 1880.

SIR: I have the honor to transmit herewith a preliminary or prartial report of the Mississippi River Commission. It is expected that the two members of the Commission—General Comstock and Mr. Harrison—who have withheld their signatures from the report will submit separate statements, embodying individual dissenting opinions, upon the several subjects discussed therein. When these are received they will be forwarded without delay, in order that they may take their appropriate place as appendices to the report.

The following papers are hereunto appended, viz.:

1. A financial statement made by Lieut. Smith S. Leach, Corps of Engineers, the disbursing officer of the Commission, showing the disburse-

ments made and liabilities incurred to February 16, 1880. It will be seen from the statement that the whole amount appropriated will be expended by the close of the current fiscal year in making the surveys and examinations deemed requisite by the Commission.

2. A Coast Survey chart of the "Mississippi River from the Passes to Grand Prairie, Louisiana."

It is understood from the superintendent of the Coast and Geodetic Survey that the engraved plate of this chart will be placed at the disposal of the Public Printer, so that its reproduction will be unnecessary.

Very respectfully, your obedient servant,

Q. A. GILLMORE,
Lieutenant-Colonel of Engineers, Bt. Maj. Gen., U. S. A.,
President Mississippi River Commission.

Hon. ALEXANDER RAMSEY,
Secretary of War, Washington, D. C.

[Indorsement.]

OFFICE CHIEF OF ENGINEERS, U. S. ARMY,
March 8, 1880.

Respectfully forwarded to the honorable the Secretary of War.

H. G. WRIGHT,
Chief of Engineers, Brig. & B'v't Maj. Gen.

REPORT.

WASHINGTON, D. C., *February* 17, 1880.

SIR: The Mississippi River Commission, constituted under an act of Congress approved June 28, 1879, respectfully submit the following partial report:

The work assigned to the Commission was—

First. To direct and complete such surveys of the Mississippi River between the Head of the Passes, near its mouth and its headwaters, as were then in progress; and to make such additional surveys and examinations of said river and its tributaries as might by it be deemed necessary.

Second. To take into consideration and mature such plan or plans as will correct, permanently locate, and deepen the channel, and protect the banks of the Mississippi River; improve and give safety and ease to the navigation thereof; prevent destructive floods and promote and facilitate commerce and the postal service; and with such plans to prepare and submit estimates of the cost of executing the work.

Third. To report specifically upon the practicability, feasibility, and probable cost of the plans known as the jetty system, the levee system, and the outlet system.

By section 5 of the act authority was given to the Commission, prior to the completion of all the surveys and examinations, to prepare and submit plans and estimates of cost for such immediate works as in the judgment of the Commission may constitute a part of the general system of works contemplated.

The Commission met for organization in the city of Washington on the 19th day of August, all the members being present, and immediately upon its organization took into consideration the surveys of the river

already "*in progress*," and "*such additional surveys, examinations*, and *investigations, topographical, hydrographical*, and *hydrometrical*," as seemed necessary to carry out the objects of the act of Congress establishing the Commission.

It was found that the portion of the river lying above the mouth of the Ohio had been essentially covered by the several shore-line surveys already completed, or drawing to a close, so that the attention of the Commission was directed more especially to the lower river between Cairo and the Head of the Passes. This portion of the river, measuring about 1,100 miles along the channel, had been the scene of numerous detached surveys, the data from which will be available notwithstanding the intervals of time that they cover; and in providing for the connection and extension of these, the Commission decided to so arrange the work of the present fiscal year that the information immediately required should be obtained by systematic methods, useful not only to the proximate ends in view, but in connection with the wider range of inquiry that must ultimately be necessary.

It was considered important that the triangulation, so essential in locating the river, however limited the field of practical operations of immediate improvement might be, should be so executed and permanently marked that it would furnish the basis of future surveys.

It was therefore decided that a line of secondary triangulation should be run, its triangles closing within 6 seconds.

For the present, however, it was deemed desirable to execute no detailed or widely-extended topography, but to develop as rapidly as possible the shore lines and the forms of the river bed.

It was furthermore decided that physical inquiries extending to all the recognized phenomena likely to have a bearing upon problems of improvement should be instituted at once, and that they should be based upon the experience of predecessors who had already made much progress in these studies.

Provision was made for running lines of precise levels along the river bank and for maintaining and increasing the number of the stations at which the elevations of the river are recorded, so as to trace in future the progress of floods and the larger features of the river slopes, without, it is hoped, any further interruption.

Provision was also made for physical examinations of selected reaches of the river, distant from each other, but presenting locally and relatively the most widely-contrasted elements of width, depth, and curvature; that the conditions most favorable and those most inimical to navigation might thus be traced back to their causes inductively.

At these early meetings resolutions were adopted embodying the sense of the Commission as to the extent and character of the surveys required, and the committee composed of a majority of the members was appointed to carry out the views thus recorded.

Inquiries were made of the Secretary of War and of the Secretary of the Treasury as to the aid they could render in these surveys, free of expense to this Commission, and the committee on surveys was authorized, after the receipt of replies to the above inquiries, to direct the secretary of the Commission to employ the necessary persons, and make all purchases of instruments, materials, and outfit needed to carry out the provisions of the resolutions already adopted as to surveys, &c., to be made at once.

The surveys thus instituted are being executed under direction of this Commission in part by its employés and in part by parties and vessels of the Coast and Geodetic Survey; detailed under section 3 of

the act; the former moving from Cairo southward, the latter working in the lower part of the river.

The continual prevalence of yellow fever at several points on the lower river until late in the fall prevented these parties from beginning their work as soon as was expected.

The following estimates of the extent of river completed or likely to be covered during the present season are based upon the rate of progress furnished in the schedule drawn up by the Secretary of the Commission, and in the report of the Superintendent of the Coast and Geodetic Survey.

Gauges.—The gauges along the river between Cairo and New Orleans were increased in number to 20, and more recently others have been added between Cairo and Saint Louis, so that the elevations of the river surface are now recorded daily at intervals of about 50 miles.

The zeroes of these gauges are to be referred to a common plane of reference by the lines of precise levels to be described hereafter in the order of progress.

Triangulation.—Of the 1,100 miles of river lying between Cairo and the Head of the Passes, the triangulation of past years, executed by the government, amounted in all to about 407 miles, comprising the progress work of the Coast and Geodetic Survey, as well as the surveys made by the United States Corps of Engineers.

Of the employés of the Commission, three double parties, now in the field, are engaged upon triangulation. This work, inclusive of about 18 miles previously executed, has already reached Memphis; and, as below this point about 85 miles of work previously executed will be met with, it is anticipated that the parties will reach the mouth of White River, 420 miles below Cairo, by the 1st of April.

The trigonometrical points established by these parties are to be referred to permanent marks beyond the erosions of the river, by the topographical party following them.

Four single triangulation parties have been placed on the river, under this Commission, by the Superintendent of the Coast and Geodetic Survey, Mr. C. P. Patterson; and these have been located by the board with a view to connect the isolated fields of work which now rest upon separate bases.

Mr. Patterson expects, with the appropriation made by Congress for the work under his superintendence, together with an allotment from the funds of this Commission, to execute 300 miles of triangulation during the present fiscal year, and make the chain of geographical positions complete from the Gulf of Mexico to Providence, about 500 miles.

As these parties were not to be immediately followed by topographical surveyors, it was deemed advisable to require of them the establishment of reference marks, which has rendered their progress slower than it otherwise would have been.

At the request of the Commission, the Superintendent of the Coast and Geodetic Survey has measured a base line in the vicinity of Cottonwood Point, 120 miles below Cairo, to be used in connection with the triangulation executed by the employés of the board.

Topography and Hydrography.—These have been combined in the operations of one party, having three divisions, composed of employés of the Commission. One of these divisions develops the shore line of the actual river with its banks, tow-heads, chutes, islands, &c., as well as levees when not more than a half mile back from the water; another follows with levels, giving the elevations of banks, water-surfaces, cross-sections of levees, &c.; while the third division sounds out the bed of

the stream in connection with the levelings, so as to complete the normal cross-sections of the river and its approaches about every half mile. All this work rests upon the preceding triangulation, and the topographers, as they pass the triangulation stations, are required to refer them to permanent marks already mentioned. These marks are placed about three miles apart, measured along the general course of the river, and in pairs on either side, the one nearest the river bank being so placed as to be sure to remain undisturbed for at least twenty years.

The present work will not furnish a detailed map showing the character and elevation of the swamp and bottom lands lying far back from the actual lines of the river, but the necessity of more elaborate maps as anticipated, and these marks are to secure the full advantage of all triangulation executed this season as the basis of future topographical work wherever the trigonometrical points shall have been obliterated by the caving of the banks. This combined party, traversing short lines, measuring elevations, and sounding out cross-sections, has advanced 160 miles and made connection with the work of examination party in the vicinity of Plum Point. It is anticipated that it will carry its work to Memphis during the present season; beyond this, for a distance of 40 miles, complete maps exist from the survey made by General Comstock before the Commission was created.

At the time the Commission was organized charts had been published by the Coast and Geodetic Survey of the portion of the river lying between Point Houma (about 72 miles above New Orleans and the Gulf), showing depths of water, with marginal topography; so that there remained for this Commission to execute, in the river below Cairo, about 900 miles of surveys of the skeleton form above indicated.

Precise levels.—From employés of the Commission two parties were assigned to run a line of precise levels, in duplicate, and in opposite directions, with permanent bench-marks every three miles, so located and marked that they may be relied upon for at least twenty years. The most accurate instruments known to engineers were placed in the hands of these parties, and they were instructed that the discrepancy in duplicate lines of levels should not exceed 5^{mm}, $\times$ the square root of the distance in kilometers.

They began their work at Columbus, 20 miles below Cairo, at the termination of a series of levels previously executed by General Comstock, and have advanced to Cottonwood Point, 120 miles below Cairo. They will probably reach Memphis by the middle of April, should no interruption from floods occur. Here they will connect again with a series of levels executed by General Comstock which extends about 83 miles below.

It is proposed to put another leveling party into the field as soon as proper instruments are obtained, and if this additional party can pursue its work until the first of May the precise levels will be brought nearly to the mouth of White River, where the triangulation of this season will probably terminate, as above stated.

In the lower portion of the river two parties of the Coast and Geodetic Survey are running similar lines of precise levels between Carrollton and Greenville, and the superintendent expects to be able to keep this work in progress during the entire season and close this space of 500 miles by the end of the fiscal year.

Examinations.—Three localities have been selected at which surveys are repeated frequently to ascertain the varying relations of the river and its bed; these are Plum Point and its approaches, Lake Providence and its neighborhood, and Carrollton; the last named being selected

because it was the site of similar inquiries during the surveys of Humphreys and Abbot in 1858.

The observations at these places comprise the changes in the figure of the river-bed at different stages of the water, the kind of material forming or moving along the bed, the figure and movements of sand-waves, the slope of water surface, the discharge, and the transverse curves of velocity.

The parties engaged in these physical surveys are employés of the Commission, many of whom had previously been engaged in similar studies. They commenced work in the low-river season, and it is hoped that the funds available will enable them to continue till the spring floods have subsided.

Borings.—A boring party has been organized to determine the depth of the alluvial deposits and the character of underlying strata in portions of the river requiring improvement. These borings have been finished in the vicinity of Memphis and Helena, and others are to be made at Choctaw Bend and other points.

SURVEYS AND EXPENSES OF COMMISSION.

It is necessary that the surveys and examinations which have been undertaken by the Commission and are now in progress below Cairo, under the authority conferred in section 3 of the act, should be continued, and that surveys should be commenced above Cairo, so far as they may be considered necessary for the advantageous progress of works of improvement. For these purposes and for salaries, mileage, traveling and office expenses of the Commission, there will be required during the coming fiscal year the sum of $200,000.

In view of the prospect of an extreme flood on the Lower Mississippi, which would afford an unusual opportunity for observations upon the operations of floods, the importance of an early appropriation of the amount estimated for surveys under the Commission is earnestly represented, in order that the system of observations already inaugurated may be made continuous through the flood season.

SYSTEMS OF IMPROVEMENT.

This Commission is not prepared, nor is it deemed necessary at the present time, to submit a full and detailed report, with estimates of final cost, upon any general system of river improvement. It seems proper, however, that all the several methods and plans embraced by the comprehensive and distinctive language used in the act, so far as they apply to or have direct bearing upon any of the objects contemplated therein, should be defined, and that the general principles which have been kept in view in adopting a plan which will concentrate rather than disperse the waters of the river, as the principal agent in securing the needed improvement in its navigation, should be briefly stated.

Whatever seems needful to be said upon the "outlet system," which, being one of diffusion and waste and not of concentration, does not commend itself to the judgment of the Commission, will be embodied in this report.

The Mississippi River, aside from its great length and other elements of wonderful and impressive magnitude, and the energy with which it maintains its tortuous and everchanging route to the sea, ranging over a broad alluvial region of its own creation, does not appear to be characterized by any phenomena peculiar to itself, or by any physical fea-

tures not found in greater or less degree in other turbid streams flowing through alluvial deposits. Its waters within the limits of the alluvial district constantly carry large, although very variable, quantities of sedimentary matter. This sediment, or silt, derived from tributary streams, from caving banks, and from its own bed by erosion and scour, is borne along by the current in such manner that a large part of it is held in more or less constant suspension in the water, while a portion is rolled or swept along upon the bottom.

An exact relation between the quantity of silt transported or moved along by a stream, and the longitudinal velocity of its current, has not been discovered. Longitudinal velocity, however, is always accompanied by motion in other directions. Without upward motion of the water, there can be no continued suspension of sedimentary matter in it.

When, on any given reach of the same stream, the velocity, as usually measured by meters or floats, is increased, the vertical motion, and therefore the silt sustaining and transporting power of the stream, is also increased. It does not follow from this, however, that in different silt-bearing streams, or in different reaches of the same stream, or even in the same reach through varying stages of water or different seasons of the year, the same velocity of current invariably sustains and transports the same amount or proportion of sedimentary matter. No fixed relation has been discovered between a volume of water and the amount of sediment in it for any given observed velocity. The supply of earthy matter is very irregular, varying greatly, irrespective of changes of velocity, with fluctuations in the stage of river, the relative discharge of different tributaries, the seasons of the year, the conditions governing rainfall, alternations of freezing and thawing, the kind of crops cultivated in the vicinity, and other causes.

Any reduction of velocity by lessening the sustaining and transporting power of the water, and by arresting some of the heavier particles which the diminished current is unable to move along upon the bottom, will tend to cause a deposit of solid earthy matter and raise the bed of the stream. The direct effect of raising the bed is to raise the surface slope. The surface slope may also be increased by reduction of the river's length by cut-offs and other causes.

Conversely, if the velocity be increased from any cause, a greater amount of silt will be thrown into suspension, which will be supplied by erosion. A lowering of both the bed of the stream and the surface slope will therefore ensue.

These general principles may be briefly and comprehensively stated as follows, viz: If the normal volume of water in a silt-bearing stream flowing in an alluvial bed of its own formation be permanently increased, there will result an increase of velocity, and consequently of erosion and silt-bearing power, an increase in area of average cross-section, and an ultimate lowering of the surface slope; and, conversely, if the normal flow be decreased in volume, there will ensue a decrease of velocity, silt-transporting power, and mean sectional area, and an ultimate raising of the surface slope.

THE OUTLET SYSTEM.

It has been supposed by many persons that, because the immediate effect of a crevasse during a flood is the reduction of the height of the river's surface in the vicinity of the crevasse and below it, lateral outlets, either natural or artificial, by which the flood-waters of the river are

drawn off and conveyed through a shorter route to the sea, tend to prevent the recurrence of destructive floods, by supplying additional avenues for their escape. This method would undoubtedly be effective if the flood-waters of the Mississippi were not highly charged with sedimentary matters, which are held in suspension in the water by the current. To support this immense mass of earth and sand in suspension, and thus insure its transportation to the Gulf, the velocity of the current must be sustained. Without stopping to determine, or even discuss, the character of the relation which exists between the various velocities of current and the proportionate quantities of sediment which such velocities are capable of carrying in suspension, the fact seems to be established that when the current is checked in its natural flow during floods, a deposit of sediment will occur. Shoals are found in the river immediately below crevasses, which it is difficult to refer to any other cause than the loss of current-velocity which takes place below the crevasse. As a portion of the volume of the river is drawn off by the crevasse when it is first made, it is impossible that the current below the crevasse can then be as rapid as it was before its occurrence. Being less rapid, it is unable to sustain the whole quantity of matter held in suspension by the more rapid current above the outlet, and consequently its surplus sediment falls to the bottom below the crevasse. This deposition continues until the size of the river below the crevasse has been so reduced by the shoaling that the current is again restored through the short distance in which the bottom of the river has been thus raised and the channel diminished. If the crevasse remained open, however, for several years, it is evident that the shoal will continue to extend down the stream, for the reduced velocity will still exist in the river below the shoal. If the crevasse be kept open indefinitely, the shoaling will continue to extend down the stream until certain other injurious effects are produced, which will be presently referred to.

It is a well established law of hydraulics that the ratio of frictional resistance per unit of volume increases if the sectional area be diminished. Thus, if the volume of the river were suddenly divided by an island into two channels, the water flowing in them would encounter more frictional resistance than it met with while flowing in a single channel. Hence the currents through these channels would be more sluggish. As the water is charged with sediment the sluggish current would cause a deposit in the channels which would first begin at their upper ends, and would continue until the bottoms of the two channels would be so steepened that the current would attain a velocity capable of carrying the suspended sediment through them without further deposit. If the two channels were of nearly equal length and size, they would probably remain permanent, and the slope of the river's surface in flood time would be found to be steeper through them than above and below, where the volume flows in a single channel. If one of the two channels were materially longer than the other, the effort of the river to increase the steepness of the longer channel would be abortive, because its slope would be controlled by the shorter one. A shoal in the upper end of the long channel would, however, be built up to such height by the depositing action of the sluggish water in it, as finally to shut it off altogether from any connection with the river, while the still water at the lower end of such channel would promote the deposition of sediment at that end to such an extent as to build it up also, and thus completely separate the long channel from the main body of the river; in the mean time the shorter channel would have enlarged so as to accommodate the entire river. The longer channel would, in this event,

constitute a lake, like one of the many lakes which are seen on a map of the alluvial basin of the river. Being removed from the influence of overflows, these lakes remain deep and clear for many centuries. The phenomenon just described invariably accompanies the formation of a cut-off. When one of these occurs, the volume of the river is at first divided into two channels of unequal length, an island being left between them.

In the case of a crevasse an island is also formed, having the main body of the river on the one side of it, and the crevasse channel on the other side. As the volume flowing in the main channel below a crevasse has been decreased by the amount drawn off through it, a steeper slope in the main river, if the crevasse be kept permanently open, becomes inevitable; because the shoal below the outlet, as it grows in length down stream from the deposition of successive floods, gradually increases the frictional resistance of the volume flowing through that diminished channel, and this tends to check the current of the river above the crevasse, and thus the shoaling of the river bed and the raising of the flood line *above* the site of the outlet ensue as a secondary and *permanent* effect.

It is in this way that silt-bearing streams flowing through alluvial deposits have the ability to increase or steepen their surface slopes, and thus recover the velocity of their currents and adjust them to the work of transporting the sedimentary matter with which the flood-waters are charged so that this matter may be carried without loss or gain. In proof of the correctness of these views, and of their full accordance with well established hydraulic laws, we have the evidence of this relation between slope and volume presented in the phenomena of silt-bearing streams all over the world. Wherever such streams flow through alluvial deposits, other conditions being the same, the slope is least where the volume is greatest; and, conversely, the slope is found to be invariably increased as the volume is diminished. The Mississippi throughout its alluvial basin, not only in its main trunk but in all of its outlets, presents no exception to this peculiar feature. Among numerous illustrations of this law the following examples may be cited.

The fall of the Atchafalaya is about six inches per mile from its head to the Gulf level, while the fall of the Mississippi from the same point is less than two inches per mile. The volume of the Atchafalaya is only about one-twelfth as great as that of the Mississippi where they separate. The fall of the South Pass is three inches per mile, whilst that of the Southwest Pass is but two inches per mile. The volume of the South Pass is only about one-quarter as large as that of the Southwest Pass.

As water selects the line of least resistance in flowing from a higher to a lower level, it follows that, inasmuch as that portion of the Mississippi floods which enters the Atchafalaya seeks the Gulf level through a route not half so long as that which follows the main river, and as it has a descent threefold greater than the portion that flows in the main river, the resistance in the shorter and steeper route of the Atchafalaya must be so much greater that these elements which tend to increase the current are so far neutralized as to produce in both routes to the sea that rate of current which is capable of transporting the sediment without loss or gain to the Gulf level, and thus a condition of equilibrium is established between these two routes to the sea. It seems unnecessary to state that the ratio of frictional resistance to volume of water resulting from the smaller size of the Atchafalaya is so much greater than that in the main river; that this condition of equilibrium or regimen of the two channels is the result. Anything

which will tend to increase the flow permanently through either route would, if unchecked, have a tendency to cause the entire river to find its way ultimately through that route to the sea by lessening in it, as it enlarged, the ratio of frictional resistance to volume of water flowing in it. The subdelta building ability of the smaller passes by which they prolong their length and thus flatten their slopes, will invariably tend to cause their extinction by results similar to those hereinafter referred to at Cubitt's Gap, the Jump, and the extinct outlets below them. This cause has tended to the extinction of many well known bayous below the Atchafalaya. That the Atchafalaya remained so long unaltered, and is now evidently enlarging, is owing to important changes in the bed of the Mississippi near it, by which a large portion of the floods of Red River have been recently discharged through it.

This explanation of the relation between slope and volume is, of course, applicable to the other existing outlets referred to in this connection. For this reason the Commission believes that no surer method of ultimately raising the flood-surface of the river can be adopted than by making lateral outlets for the escape of its flood-waters. The raising of the flood-surface necessitates an increase in the height of the levees and leaves shallower channels for navigation.

As the system of improvement proposed by the Commission is based upon a conservation of the flood-waters of the river, and their concentration into one channel of an approximately uniform width, it would seem scarcely necessary further to consider a system based upon theories and arguments so diametrically opposed to it as the outlet system is thus shown to be.

Allusion has only been made so far to phenomena attending long established or permanent outlets. A proposition to "provide for improving the navigation of the Mississippi River and for the reclamation of the low lands of the States bordering thereon" having been presented to the consideration of Congress in House bill 5413, Forty-fifth Congress, third session, it is the duty of the Commission to report upon the merits of the system as set forth in the bill. The first feature of the plan consists in opening an outlet, about ten miles below New Orleans, from the river into Lake Borgne. The idea of making an outlet into this lake was suggested by Mr. Charles Ellet, jr., civil engineer, in 1852 (see Ex. Doc. 20, Thirty-second Congress, first session), in an elaborate report to the Secretary of War on the inundation of the Mississippi River.

The proposition was subsequently discussed at considerable length in the report of Humphreys and Abbot, and rejected by them as impracticable. It was again taken up and examined into by the Levee Commission in 1875, and was by it likewise rejected.

In considering the proposed outlet at Lake Borgne, it is necessary to refer to phenomena attending a class of outlets which cannot be considered as *permanent* ones, and which are similar in their characteristics to those which would attend the proposed one at Lake Borgne, for the reason that the river immediately after their occurrence, whether from artifical or natural causes, commences a process of subdelta formation which in the course of a few years effects their complete closure.

On examination of the appended United States Coast-Survey map, showing that part of the delta embracing the passes and about forty miles from the main river, several remarkable systems of extinct channels will be found on each side of the three great passes. The vermiculated appearance of these old outlets is particularly noticable on the west side of the Southeast Pass and on the west side of the Southwest

Pass. The process by which the river closed them up and shut them off is clearly illustrated by a similar process now occurring about three miles above the Head of the Passes. At this point on the map referred to will be seen the largest and most recent outlet or mouth of the Mississippi. It occurred during a flood seventeen years ago, and is known as Cubitt's Gap. It was caused by a small canal between the river and the Gulf, used by fishermen in visiting the oyster banks in the vicinity.

The river and the Gulf at this point were then separated by a narrow margin less than one thousand feet wide. The difference in the surface height of the river and the mean level of the Gulf at the time was a little over three feet. The surface slope or fall through the gap was therefore at first at the rate of about fifteen feet per mile. The rapidity of the escaping water with this enormous fall made the crevasse over two thousand feet wide in a few years, with depths of one hundred feet and over in the gap where the river bank had formerly stood.

As soon as the water passed through the gap its velocity was gradually lost, and the immense volume of sediment with which it was charged was thrown down within a fan-shaped area embracing probably twenty or thirty square miles. The earlier maps of the Coast Survey show no islands outside the gap, but the more recent ones show, by the incipient islands and shoals which now surround it, how rapid has been its subdelta formation. These islands are subdividing the single volume of the river water issuing from it into innumerable bayous and little channels, none of them having at this time a greater depth than 7 feet. Each flood serves to build up these islands higher and extend their area further into the Gulf. And as this island-building process continues out gulfward, these small channels become more distinctly outlined from the depositing action which goes on most rapidly in the more sluggish water along their shore-lines. Every overflow serves to build up the banks of these channels and to extend them out into the gulf, but in their prolongation is to be found the cause which finally cuts off and separates them, perhaps forever, from the main river. The difference of level between the river and the Gulf remains the same that it was at the time of the crevasse, but the enormous slope, through the gap, at first equal to about 15 feet per mile, and which must have created an exceedingly rapid current during the first few days after the gap was made, now no longer exists. Every addition to the length of the separate channels which are now forming through the subdelta flattens their slope and consequently reduces the current through them. Ultimately these currents will become too sluggish to transport the sediment contained in the water, and it will be dropped at the upper or river ends of these channels, and they will be finally shut off entirely from all connection with the main river, just as those were which are seen on the map on the west side of Southwest and Southeast passes.

Each successive overflow of the river bank will tend to increase the distance between the river and these extinct outlets, and the wound made in the side of the river by Cubitt's Crevasse will then have been completely healed by a natural process.

Twenty-one miles above the Head of the Passes, a gap similar to Cubitt's occurred about forty years ago, called "The Jump." An immense subdelta was formed there in consequence, and upon it there are now several rice plantations and extensive forests, many of the trees being over 12 inches in diameter.

Innumerable bayous permeate this subdelta and lead to the sea, each having at its mouth a miniature bar like those at the mouths of

the great passes, none of them having more than 2 feet of depth at low-water.

At the river entrance to the The Jump, the depth is but 3 or 4 feet, and in a few years more it will be fully closed by the river deposits.

The same effort which the river is successfully making to close up The Jump and Cubitt's Crevasse (both of which are high and low water outlets), it is making at the celebrated Bonnet Carré Crevasse, which, being through an artificial embankment or levee, only discharges at high-water. The immense deposits which it has carried out and spread over the land near it have served greatly to reduce the volume of water discharged by the crevasse.

Should an outlet be made to connect the river with Lake Borgne, results precisely similar to those which have occurred at Cubitt's Gap and The Jump must be confidently anticipated. Below Cubitt's Gap it is an undisputed fact that the former depth of the river has been largely reduced since the gap occurred. Below The Jump it is not so definitely known what the shoaling has been, as charts of previous soundings are not now available if any exist, but the Light-House Board has placed two buoys a short distance below The Jump, to warn vessels away from the shoals which exist there. It is not possible to make the proposed outlet into Lake Borgne without creating a shoal in the river below it, and it is not possible to keep it permanently open except at great cost in dredging away the subdelta that would be formed by it. Nor could it be kept permanently open without the slope of the river being ultimately increased from the Head of the Passes to the outlet; after which it would raise the flood surface of the river above the outlet.

With reference to that part of the plan set forth in House bill 5413, relating to the Atchafalaya outlet, the Commission suggest that, as Major Benyaurd, of the United States Corps of Engineers, in charge of the government works upon this portion of the Mississippi, has now under consideration the question of the permanent improvement of the mouth of the Red River, with the intention, as expressed in his last annual report, of making a special report thereon at the earliest possible moment, it is not deemed advisible that any work at this locality, except what may be required to check the enlargement of the Atchafalaya, should be recommended by this Commission in anticipation of the matured views and opinions of that officer. This can be done in such locality and in such manner as will not interfere with the navigation of the Red and Atchafalaya Rivers, and at a cost not exceeding $10,000.

That part of the plan which involves turning the Red River into the Calcasieu, from a point above Alexandria, is entirely impracticable, it having been ascertained by a line of levels run across from Alexandria, under Major Benyaurd's direction, that the bed of the Calcasieu River is 63 feet higher than the water surface of Red River in time of ordinary flood, while its ordinary flood level is 73 feet above that of Red River. The distance between the two rivers, on the line of levels, which is the shortest line that can be run from Alexandria, is 23.86 miles.

If it is proposed to avoid this difficulty by making the connection with the Calcasieu at a point sufficiently near its mouth to secure the requisite descent in the cut, not only would the expense be so enormous as to be practically prohibitory, but there would still remain the danger, unless the dimensions of both the cut and the lower Calcasieu be made immoderately large, of widespread destruction by floods during every high-river stage through the region traversed by the outlet.

Although other equally novel propositions are set forth for consideration by Congress in House bill No. 5413, as part of this extensive outlet

system, which in the language of the bill is designed to effect the "deepening of the channel of the Mississippi River, reducing the mud flow therein, and filling up the swamps and low places by the deposit, and diminishing the volume of water by absorption and evaporation," the Commission deems it unnecessary to report upon them in detail after this exposition of the Lake Borgne and Calcasieu outlets, inasmuch as the latter constitute the chief features of the entire scheme, and the former are, like them, quite impracticable.

Before dismissing this subject, however, it is pertinent to say that the statements which have been published to support this scheme, regarding the effect produced by the Bonnet Carré outlet, in lowering the flood-line above and below it, have been greatly exaggerated.

The Board of Engineers for the improvement of the low-water navigation of the Mississippi River below Cairo, to whom House bill No. 5413 was referred, say in their report of January 28, 1879, with reference to the effect of the proposed outlet:

> The probable immediate effect of this outlet upon the flood-level of the Mississippi will next be considered. The best basis for a safe estimate is the measured effect of the Great Bell crevasse which occurred just above New Orleans on the right bank, in 1858. Its maximum discharge occurred August 1–17, and was 80,000 cubic feet per second, or about 1-12 of the total discharge of the river at that date.
>
> This lowered the water surface 1.5 feet at its site and produced no sensible effect at Baton Rouge, 124 miles above. One fundamental error of the engineering project on which this bill is based lies in overestimating the distance to which the influence of an outlet extends above its site, and it will be well to elaborate this point.
>
> The influence of the Gulf upon the river at high stages is hardly felt above the mouth of Red River. The high-water and the low-water slopes of the water surface above this point are sensibly the same for long distances. Nothing can be done toward modifying the water-level below which will exert any marked effect at any considerable distance above. That this is so was proved by the Red River and Raccourci Cut-offs, which shortened the Mississippi 39 miles near the mouth of Red River and lowered the high-water mark there 4.6 feet in the flood of 1851. This beneficial effect diminished rapidly at points higher up the river, and was not felt at all at a distance of 100 miles.
>
> The same principle of hydraulics which is fundamental, and which logically results from the small function of the slope entering all discharge formulæ, is also illustrated by accurate tidal measurements upon the Mississippi. Thus, for spring tides the oscillations are—
>
> At the Gulf in flood stages of river, 1.7 feet; in low stages of river, 1.7 feet.
>
> At the Forts (36 miles) in flood stages of the river, 0.6 foot; in low stages of river, 1.4 feet.
>
> At Carrollton (120 miles) in flood stages of the river, 0.3 foot; in low stages of river, 1.1 feet.
>
> At Donaldsonville (192 miles) in flood stages of the river, 0.0; but in low stages of river, 0.9 foot.
>
> At Baton Rouge (244 miles) in flood stages of the river, 0.0 foot; in low stages of river, 0.4 foot.
>
> At Red River (315 miles) in flood stages of the river, 0.0 foot; in low stages of river, 0.0 foot.
>
> It is true that the temporary duration of the tidal rise at the river mouth diminishes its effect on the upper river, but nevertheless the facts given for the tides illustrate the general fact that the effect of lowering the river surface at a given point dies out rapidly in ascending.

THE LEVEE SYSTEM.

Levees have never been erected upon the banks of the Mississippi River except for the special purpose of protecting the alluvial lands from overflow. They have, therefore, always had sole reference to the high-water stage, and the degree to which levees might prudently be relied upon "to improve and give safety to navigation," "promote and facilitate commerce, trade, and the postal service," has not hitherto en-

tered into the question of the construction and maintenance of a levee system.

There is no doubt that the levees exert a direct action in deepening the channel and enlarging the bed of the river during those periods of "rise" or "flood" when by preventing the dispersion of the flood-waters over the adjacent low-lands, either over the river banks or through bayous and other openings, they actually cause the water to rise to a higher level within the river-bed than it would attain if not thus restrained.

It would seem to follow, from the law that the volume of water flowing in the bed determines the size, that prior to the construction of levees the area of the mean cross section of bed of the Mississippi River must have been less than it was after the levees had reached their most efficient condition, assuming, what is believed to be true, that the average rainfall in the Mississippi Valley has not materially changed within the last hundred years.

There is some evidence in a comparison of the results of Young, Poussin and Tuttle's examination of 1821, with later surveys, that the width of the river has increased since that date.

As silt-bearing streams in alluvial districts have a tendency to assume in the straight reaches cross-sections which are arcs of circles, and in the bends curves of deeper forms, it follows that any general widening of the river resulting from concentration or increase of volume, which may have taken place, would as a rule be accompanied by a general and corresponding deepening as the result of such general enlargement, although local shoalings, temporarily injurious to navigation, might occur.

There is reason to believe that during the period when levees were in their most perfect condition, from 1850 to 1858, the channel of the river was better generally for purposes of navigation than it has been since that time.

It is known that during the last twenty years the levee system has been continuously interrupted by a great number of crevasses between Cairo and Red River.

Before the levees were built, a large portion of the flood-waters spread out over the banks of the river in a thin sheet, of which the average depth at the margin of the stream, where it escaped, did not probably exceed a few inches, or, at most, a foot. The immediate effect of the levees would be to increase the volume and height and accelerate the velocity of the flood-waters between them, resulting in an erosion and deepening of the river-bed, and ultimately in a corresponding lowering of the flood-slope in accordance with the general law already quoted, that an increase in the normal volume of discharge in a sedimentary stream, flowing through alluvial deposits, results ultimately in a lowering of the flood surface. It would seem, therefore, that a closure of the crevasses might be expected to accelerate the removal of those shoals which have been produced by them, and if their closure be accompanied by the requisite contraction of the channel to a more nearly uniform high-water width, a lowering of the flood level may be expected to such extent as will ultimately render the maintenance of the levees as an aid to navigation practically needless above Red River, and greatly lessen the necessity of their permanent maintenance for that purpose below Red River, even at a reduced height.

While it is not claimed that levees in themselves are necessary as a means of securing ultimately a deep channel for navigation, it is believed that the repair and maintenance of the extensive lines already existing will hasten the work of channel improvement through the increased

scour and depth of river-bed which they would produce during the high-river stages. They are regarded as a desirable, though not a necessary, adjunct in the general system of improvement submitted.

It is obvious that levees are, upon a large portion of the river, essential to prevent destruction to life and property by overflow. They give safety and ease to navigation and promote and facilitate commerce and trade by establishing banks or landing places above the reach of floods, upon which produce can be placed while awaiting shipment, and where steamboats and other river craft can land in times of high water.

In a restricted sense as auxiliary to a plan of channel improvement only, the construction and maintenance of a levee system is not demanded. But in a larger sense, as embracing not only beneficial effects upon the channel, but as a protection against destructive floods, a levee system is essential; and such system also promotes and facilitates commerce, trade, and the postal service.

A levee system aids and facilitates the postal service by protecting from injury and destruction by freshets and floods the various common roads and railways upon which that service is conducted to and from the river bank, and generally within that portion of the alluvial region subject to overflow. Moreover, the permanent maintenance below Cairo of a connected levee system, a system of sufficient strength to inspire confidence in its efficiency, or the demonstration, by the achieved results of an improved river, that overflow need no longer be seriously apprehended, would act as a prompt and powerful stimulant in rapidly developing a largely increased trade and commerce in all the products of agricultural industry indigenous to that region, and in those branches of manufacturing enterprise related thereto.

The foreging is submitted as the opinions of this Commission, with regard to the attributes and functions of levees, and their general utility and value. The views of the several members, however, are not in entire accord with respect to the degree of importance which should attach to the concentration of flood-waters by levees, as a factor in the plan of improvement of low-water navigation, which has received the unanimous preference of the Commission.

The breaks in the levees were estimated in January, 1875, by the commission for the reclamation of the alluvial basin of the Mississippi River, to amount to 8,065,700 cubic yards. It is believed that the repairs done in Louisiana and Mississippi since that time will fully equal the enlargment of the openings in Arkansas and Missouri. The estimate of the cost of closing the breaks in the existing system of levees to the former height is based upon this hypothesis.

The want of completed surveys and the limited supply of labor would render diffirult the construction of more than one-half of this amount of work in any one year.

Estimate of cost.

For closing to their former height the gaps in the existing levees between Cairo and New Orleans, 8,065,700 cubic yards of earthwork, at 23 cents per yard	$1,855,111
Add for contingencies	164,889
Total for repairs of existing levees	$2,020,000

This does not include the cost of maintenance, for which no reliable estimate can be made in the absence of data giving the required dimensions of the levees and their positions relative to caving banks. For the absolute prevention of destructive floods, the former height of the

levees would have to be increased, but no exact estimate of the cost of these higher levees can be made at present for want of the necessary data.

PLAN OF IMPROVEMNT RECOMMENDED.

The bad navigation of the river is produced by the caving and erosion of its banks, and the excessive widths and the bars and shoals resulting directly therefrom.

It has been observed in the Mississippi River, and is indeed true of all siltbearing streams flowing through alluvial deposits, that the more nearly the high river width, or width between the banks, approaches to uniformity, the more nearly uniform will be the channel depth, the less will be the variations of velocity, and the less the rate of caving to be expected in concave bends. This would seem to be so in the very nature of things, because uniformity of width secured by contraction will produce increased velocity, and therefore increased erosion of bed at the shoal places, accompanied by a corresponding deposit of silt at the deep places, and consequently greater uniformity of depth.

Uniform depth joined to uniform width, that is to say, uniformity of effective cross-section, implies uniform velocity, and this means that there will be no violent eddies and cross currents, and no great and sudden fluctuations in the silt-transporting power of the current. There will therefore be less erosion from oblique currents and eddies, and no formations of shoals and bars produced by silt taken up from one part of the channel and dropped in another. As the friction of the bed retards the flow of the water, any diminution of the friction will promote the discharge of floods. The frictional surface is greater in proportion to volume of discharge where the river is wide and shoal than where it is narrow and deep. It follows, therefore, that after the wide shoal places are suitably narrowed, and the normal sectional area is restored by deepening the channel, the friction will be less than it was before. This will result in a more easy and rapid discharge of the flowing water, and consequently in a lowering of the flood-surface. It would seem, therefore, that the plan of improvement must comprise, as its essential features, the contraction of the water-way of the river to a comparatively uniform width, and the protection of caving banks, and this is presumed to be the plan referred to in the act as the "jetty system." It is known, from observation of the river below Cairo, not only that shoals and bars, producing insufficient depth and bad navigation, are always accompanied by a low-water width exceeding 3,000 feet, but that wherever the river does not exceed that width there is a good channel In other words, bad navigation invariably accompanies a wide low-river water-way, and good navigation a narrow one.

The work to be done, therefore, is to scour out and maintain a channel through the shoals and bars existing in those portions of the river where the width is excessive, and to build up new banks and develop new shore-lines, so as to establish as far as practicable the requisite conditions of uniform velocity for all stages of the river.

It is believed that this improvement can be accomplished below Cairo by contracting the low-water channel-way to an approximately uniform width of about 3,000 feet, for the purpose of scouring out a channel through the shoals and bars, and by causing, through the action of appropriate works constructed at suitable localities, the deposition of sand and other earthy materials transported by the water upon the dry bars

and other portions of the present bed not embraced within the limits of the proposed low-water channel. The ultimate effect sought to be produced by such deposits is a comparative uniformity in the width of the high-water channel of the river.

It is believed that the works estimated for in this report will create and establish a depth of at least 10 feet at extreme low stages of the river over all the bars below Cairo, where they are located.

It is the opinion of this Commission that, as a general rule, the channel should be fixed and maintained in its present location; and that no attempt should be made to straighten the river or to shorten it by cut-offs.

The borings which were made in 1879 at New Madrid and Plum Point, by direction of the Board of Engineers for the improvement of the low-water navigation of the Mississippi River below Cairo, and those of more recent date at Memphis and Helena, made under the orders of this Commission, as well as those near Lake Borgne, reported by the levee commission of 1875, and others made along the proposed line of the Fort Saint Philip Canal, and the artesian well sunk at New Orleans, all furnish concurrent evidence of the yielding character of the strata forming the river-bed. This evidence, taken in connection with the fact that deep water is found in all the bends of the river where the width is not excessive, and that these bends have, by their shiftings at one time or another, probably occupied and covered nearly every part of the belt from 10 to 20 miles in width from Cairo to the Gulf, point to the conclusion, if it does not indeed justify it, that there is no extensive stratum of material capable of resisting erosion and preventing the river from deepening its own bed. In exceptional localities, where the material is too tough, or the gravel too heavy for removal by scour, dredging may have to be resorted to as an auxiliary, the depth secured by this means being maintained by the works erected for narrowing the stream.

Experience, as well in this country as in Europe, justifies the belief that the requisite correction and equalization of the transverse profile of the stream, by developing new shore-lines and building up new banks, may be made chiefly through the instrumentalities of light, flexible, and comparatively inexpensive constructions of poles and brush, and materials of like character. These constructions will commonly be open or permeable to such degree that, without too violently arresting the flow of water, thereby unduly increasing the head and causing dangerous underscour, they will sufficiently check the current to induce a deposit of silt in selected localities.

The works which have been used in similar improvements are of various forms and devices, such as the hurdle, composed of a line of stakes or light piles, with brush interlaced; the open dike, formed of stakes with waling strips on both sides filled in loosely with brush; the continuous brush mattress, built or woven on fixed or floating ways and launched as fast as completed, as a revetment to a caving bank, the mattress used as a vertical or inclined curtain, placed in the stream to check the current, the same laid flat on the bottom as the foundation for such a curtain or as an anchorage for other brush devices; curtains of wire or brush netting, placed vertically or inclined in the stream; and various other forms of permeable brush dikes, jetties, or revetments. Some of these methods of construction have been used on the Mississippi and Missouri rivers with increasing satisfaction and success, although they cannot yet be regarded as entirely beyond the experimental stage. In some, perhaps in many localities, works of a much more solid character than those above indicated may be necessary.

The closure of deep channels or low-water chutes, with a view of confining the flow to a single passage, may require substantial dams of brush and riprap stone or gravel, but it is believed the lighter and less costly works will generally suffice.

By a permeable dike located upon the new shore-line to be developed, connected with the old bank at suitable intervals by cross-lines of like character, or by jetties of hurdles or other permeable works projecting from the bank with their channel ends terminating on the margin of the proposed water-way, or by any other equivalent works, the area to be reclaimed and raised will be converted into a series of silting basins, from which the water, flowing through the barriers with diminished velocity, will, after depositing its heavier material, pass off and give place to a new supply. In this manner the accretion will go on continuously through the high-water season, or through two or more seasons if necessary, the works being renewed on the higher level as occasion requires.

Wherever necessary, the new bank must be protected by a mattress, revetment, or some equivalent device.

That these methods of improvement are practicable, is shown by the works already executed on the Mississippi and Missouri rivers.

The plan submitted by the Board of Engineers for the improvement of the low-water navigation of the river below Cairo, in their report dated January 25, 1879 (see House Ex. Doc. No. 41, Forty-fifth Congress, third session,) in which it is recommended that $600,000 be asked for the improvement of the Plum Point Reach, and "that the improvement be effected by narrowing the shoal and wide portions of the low-water river to about 3,500 feet, and by protecting caving banks where necessary," is substantially adopted for the initial works submitted for construction in this report.

An accurate estimate of the cost of properly improving the entire river below Cairo cannot be made until after the completion of the surveys now in progress. Moreover, estimates based upon the latest data from those surveys will doubtless require modification in some particulars, to meet subsequent changes in the river, and will perhaps be considerably reduced in the aggregate amount by improved methods of construction developed during the progress of the work.

INITIAL WORKS.

Under the authority conferred in section 5 of the act, estimates of cost of certain initial works, constituting a component part of the general system of works contemplated, are submitted.

Those works of channel contraction and bank protection, which in the judgment of this Commission may be advantageously undertaken during the coming fiscal year or as soon as Congress supplies the means, are confined to an aggregate length of nearly 200 miles of the shoalest water below Cairo, embracing the following localities, viz: New Madrid, Plum Point, Memphis, Helena, Choctaw Bend, and Lake Providence.

The estimates are intended to cover the cost of works for contracting the channel and for securing and protecting the banks; for the necessary outfit of boats, tugs, tools, &c., to carry on the work for local surveys, the salaries of engineers, superintendents, and inspectors, and the necessary office expenses. Further appropriations will be needed to complete the works, secure their permanence, and develop the full benefit of the system.

As regards the final cost, the novelty of the devices to be employed and the absence of experience with respect to the rapidity and degree of their results, forbid any exact estimate; but it is believed that such additional works as will ultimately be required to complete and render permanent the improvement contemplated in this system at the localities specified will not exceed the amount hereinbelow stated as needed for initial works.

It is considered necessary that a contingent sum, which is inserted in the estimates for initial work, be appropriated for use in any emergency that may arise for securing or protecting the works at any point after the specific appropriation may have been exhausted.

Estimates.

New Madrid Reach, 40 miles long:	
Works for contracting the channel and protecting the banks	$776,000
For outfit, superitendence, inspection, office expenses, and local surveys	147,000
Total for New Madrid Reach	$92,3000
Plum Point Reach, 38 miles long:	
Works for contracting the channel and protecting the banks	599,000
For outfit, superintendence, inspection, office expenses, and local surveys	137,000
Total for Plum Point Reach	$736,000
Memphis Reach, 16 miles long:	
Works for contracting the channel and protecting the banks	282,000
For outfit, superintendence, inspection, office expenses, and local surveys	100,000
Total for Memphis Reach	$382,000
Helena Reach, 30 miles long:	
Works for contracting the channel and protecting the banks	$515,000
For outfit, superintendence, inspection, office expenses, and local surveys	112,000
Total for Helena Reach	$627,000
Choctaw Bend, 35 miles long:	
Works for contracting the channel and protecting the banks	464,000
For outfit, superintendence, inspection, office expenses, and surveys	112,000
Total for Choctaw Bend	$576,000
Lake Providence Reach, 25 miles long:	
Works for contracting the channel and protecting the banks	507,000
For outfit, superintendence, inspection, office expenses, and local surveys	112,000
Total for Providence Reach	$619,000
Contingencies	$250,000

Should it be determined not to appropriate the amounts estimated for all the initial works, it is considered important that the reduction should be made rather in the number of places at which work is proposed than by reducing the estimates for any one place.

Estimates for works of improvement for the first fiscal year.

Initial works for channel contraction and bank protection	$4,113,000
Closing gaps in levees	1,010,000
Checking enlargement of Atchafalaya	10,000

Estimates for surveys and for expenses of Commission for fiscal year ending June 30, 1881.

For surveys and examinations above and below Cairo, and the necessary salaries and other expenses of the Mississippi River commission	$200,000

If Congress shall authorize any extensive works of improvement on the Mississippi, we would respectfully suggest that provision be made by law for the appropriation of such land and materials as may be needed in the work when the same cannot be obtained upon equitable terms by purchase from the owner. We do not contemplate that a resort to such proceedings would often be necessary; but in the absence of any such provision of law, individual owners of the property required might greatly and unjustly enhance the cost of the work.

Authority to file in the proper court of the United States an article of appropriation describing the property to be taken, and to have an assessment by competent appraisers of its value, would tend to prevent extortion, and at the same time secure to the individual a just recompense for the property taken.

We venture to suggest further that in case the Commission should be continued in existence and the works recommended by it be in whole or in part authorized by Congress, the execution of the work and the expenditure of the appropriations therefor shall not be made part of the duty of the Commission. We think the duties of the Commission should be limited to the preparation of plans, their modification when necessary, the advisory supervision of the work, and the completion of the surveys and observations. This would secure unity of plan, greater efficiency in the work, and a better system of checks upon the expenditures than we could hope to secure if the entire work of devising, executing, and disbursing were cast upon the Commission.

All of which is respectfully submitted.

Q. A. GILLMORE,
Lieutenant-Colonel of Engineers, Bvt. Maj. Gen.,
President Mississippi River Commission.
CHAS. R. SUTER,
Major of Engineers, U. S. A.
HENRY MITCHELL,
Coast and Geodetic Survey.
JAS. B. EADS.
B. M. HARROD.

Hon. ALEXANDER RAMSEY,
Secretary of War, Washington, D. C.

APPENDIX 1.

WASHINGTON, D. C.·*February* 16, 1880.

Financial statement.

Amount appropriated for expenses of the Mississippi River Commission, by act approved June 28, 1879		$175,000 00
Amount expended to February 16, 1880, including outstanding liabilities:		
For surveys and observations	$65,691 21	
For salaries of Commissioners	5,024 99	
For mileage and inspection	8,167 88	
For reduction of maps	1,920 70	
For office expenses	4,195 22	
Balance which it is estimated will be required during remainder of the fiscal year ending June 30, 1880	90,000 00	
		175,000 00

SMITH S. LEACH,
First Lieutenant of Engineers, U. S. A.,
Secretary Missouri River Commission.

THE MISSISSIPPI RIVER COMMISSION,
PRESIDENT'S OFFICE, ARMY BUILDING,
33 WEST HOUSTON STREET,
New York, March 8, 1880.

SIR: I have the honor to transmit herewith the minority report of General Comstock and Mr. Harrison, to be attached to the report of the Mississippi River Commission forwarded with my letter of the 6th instant.

Very respectfully, your obedient servant,

Q. A. GILLMORE,
Lieutenant-Colonel of Engineers, B'v't Maj. Gen., U. S A.,
President Mississippi River Commission.

Hon. ALEXANDER RAMSEY,
Secretary of War, Washington, D. C.

[Indorsement.]

OFFICE CHIEF OF ENGINEERS, U. S. ARMY,
March 9, 1880.

Respectfully forwarded to the honorable the Secretary of War, to accompany report of Mississippi River Commission transmitted on the 8th instant.

H. G. WRIGHT,
Chief of Engineers, Brig. & Bt. Maj. Gen.

MINORITY REPORT.

While of the opinion that an ample depth of water for navigation on the Mississippi River below Cairo can be obtained by contraction of the low-water width at shoal places to about 3,000 feet, erosion being aided by dredging if necessary; and while of the opinion that levees are essential to prevent injury to alluvial lands by destructive floods, and that outlets should not in general be used, there are some less important points on which we do not concur in the views of the majority of the Commission.

1. We cannot concur in the unqualified form of expression of certain theoretical views, believing them to have too many exceptions to furnish safe bases for practical conclusions. One such statement is:

> If the normal volume of water in a silt-bearing stream, flowing in an alluvial bed of its own formation, be permanently increased, there will result * * * ultimately a lowering of the surface slope.

While this statement and its converse are usually true, they yet omit some factors which influence the relation between discharge and slope. One is the coarseness and quantity of the sediment which the increase of volume brings; another is the ratio of flood to low-water discharge; and another the varying coarseness of the material forming the bed of the river at the same place at different times or at different places.

When the increase of volume brings with it much coarse sediment, the slope may be increased instead of diminished, by increase of volume. This effect has been frequently observed below the mouths of tributaries.

Again, if the ratio of flood to low-water discharge could be made to

approach unity, the annual discharge remaining unchanged, it is probable that the middle Mississippi would have a smaller slope than at present, approaching that of the river below New Orleans, where the flood rise is small. In that case the annual discharge might be diminished without increasing the slope beyond its present value.

2. We do not concur with the majority of the Commission in their estimate of the value of the closure of gaps in existing levees as a factor in the improvement of low-water navigation; this estimate being derived in part from the theoretical views already referred to.

Existing evidence seems to show that during low-water stages the bars below Cairo are usually cut out by the river, and that when the period of low river in the following season approaches, these low-water channels are found filled up, the low-water bed of the river in these shoal places having risen, to be again cut out by the low river. (See Major Suter's report in Report of Chief Engineers, 1875.)

At the Horse Tail Bar, below Saint Louis, the bed of the river has been observed to rise 8 or 10 feet above low-water in the interval between two low-river periods. (See General Simpson's report in Chief of Engineer's report, 1876.)

If, then, the final effect of a flood which rises from 30 to 50 feet above low-water is to raise the low-water bed of the river at shoal places, may it not be possible that if the height of this flood be somewhat increased by levees the bed may rise still further instead of being depressed, thus injuring instead of improving navigation?

But even if a rise or fall of a foot or two in the bed of the river were produced by levees, it is difficult to see how this would sensibly affect the low-water width of the river. Bad navigation arises from excessive low-water width at certain places, and is to be cured by contracting that low-water width to about 3,000 feet. This contraction must be effected by works in the bed of the river, and not by levees on top of its banks, out of contact with the low-water river.

For these reasons we are of the opinion that levees are of very little value in improving the low-water navigation of the river. Of their necessity in protecting alluvial lands against destructive floods there can be no doubt, and to obtain such protection the first step would be the closure of gaps in existing levees. The regulation of the low-water river, including the fixation of the river banks, would be of the greatest aid to the levees, since it would secure them from destruction by caving.

The majority report anticipates as a result of the proposed works a lowering of the flood-level to such an extent "as will ultimately render the maintenance of the levees as an aid to navigation practically needless above Red River."

As to the larger question, whether the proposed works will make levees unnecessary to prevent destructive floods on this part of the river, there are in our opinion no sufficient data for drawing reliable conclusions; theoretically they should in some degree lower the bed.

A reduction of the flood-level is very desirable, but where on other rivers this has been effected, cut-offs have usually played an essential part. For this reason we are not prepared to absolutely reject their use, after the banks of the river have been thoroughly protected for considerable distances above and below the sites where they are about to occur.

3. From the lack of sufficient experience, either in this country or abroad, in the improvement of rivers by the means recommended in the report, the estimates of cost can only be considered as rough approxi-

mations, since the strength needed for the works will have to be determined by trial. For this reason we think it in the interest of economy that works should not in the first year be undertaken at more than one or two of the points for which estimates are submitted.

C. B. COMSTOCK,
Major of Engineers and Bvt. Brig. Gen.
BENJAMIN HARRISON.

46TH CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { EX. DOC. No. 59.

COMMERCIAL REPORTS.

MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

TRANSMITTING,

In response to a resolution of the House of Representatives, a communication from the Secretary of State, in relation to the publication and distribution of commercial reports.

MARCH 12, 1880.—Referred to the Committee on Foreign Affairs and ordered to be printed.

To the House of Representatives:

In answer to the resolution of the House of Representatives of March 2, 1880, requesting the Secretary of State to communicate to the House certain information in relation to the publication and circulation of commercial reports, I transmit herewith a report from the Secretary of State, with its accompanying papers.

R. B. HAYES.

WASHINGTON, *March* 12, 1880.

DEPARTMENT OF STATE,
Washington, March 12, 1880.

To the PRESIDENT:

The Secretary of State, to whom was referred the resolution of the House of Representatives of March 2, 1880, requesting him to inform the House "what measures, if any, may, in his opinion, be advantageously taken for the more frequent publication and wider circulation of commercial reports received by the Department of State from the diplomatic and consular officers of the United States, and also to communicate to the House any information which may be in his possession as to the methods of publishing such reports in other countries," has the honor to make the following report:

The Department of State has given serious attention to the subject of the development and maintenance of our foreign trade, and has endeavored to assist the efforts of our people in that direction by every means in its power. The response of our ministers and consuls to the "Trade Circulars" and other recent instructions of the Department of State

upon this subject has been most hearty and energetic, and the great number and value of the commercial reports now constantly being received from those officers entitle them to the highest praise. The best method of making accessible to the public the valuable information contained in these reports has been the subject of very careful consideration. The means at present at the disposition of the Department are, however, insufficient for accomplishing this desired object in a manner entirely satisfactory. It is believed that measures may be taken with great advantage providing for the more frequent publication and wider circulation of these reports, as well as of other reports of a kindred nature from the same officers, containing information of general interest and usefulness.

The present system of publishing reports, and the law bearing upon the subject, are as follows:

By section 208 of the Revised Statutes, the Secretary of State is required to annually lay before Congress—

First. A statement, in a compendious form, of all such changes and modifications in the commercial systems of other nations, whether by treaties, duties on imports and exports, or other regulations, as shall have been communicated to the Department, including all commercial information contained in the official publications of other governments which he shall deem sufficiently important.

Second. A synopsis of so much of the information which may have been communicated to him by diplomatic and consular officers during the preceding year as he may deem valuable for public information.

By section 1712 of the Revised Statutes it is directed that "consuls and commercial agents of the United States in foreign countries shall procure and transmit to the Department of State authentic commercial information respecting such countries, of such character and in such manner and form and at such times as the Department may from time to time prescribe."

By section 1752 "the President is authorized to prescribe such regulations, and make and issue such orders and instructions, * * * in relation to the duties of all diplomatic and consular officers, the transaction of their business, * * * *the communication of information*, and the procurement and transmission of the products of the arts, sciences, manufactures, agriculture, and commerce from time to time as he may think conducive to the public interest."

The present Regulations of the Department require that each consular officer shall send an annual report to the Secretary of State in relation to the "trade and navigation" of his consular district in order to enable the Secretary to make the annual communication to Congress required by law. It is expected that these reports will be forwarded to the Department of State not later than in October of each year; and that tables of statistics and other returns contained in them will be corrected to the 30th of June preceding.

Each consul-general is required to make a more extended report, in relation to the territory under his supervision, "arranged and systematized so as to show, 1st, its agriculture; 2d, its manufactures; 3d, the condition of its mines; 4th, its fisheries; 5th, the products of its forests; 6th, its commerce, showing (*a*) the number of vessels, domestic and foreign, entered and cleared, and the amount of tonnage, (*b*) the amount and value of imports and duties thereon, (*c*) the amount and value of exports, (*d*) its trade with the United States; 7th, its revenues, separating customs from other sources of revenue; * * * 8th, such miscellaneous subjects as may appear of importance, such as new commercial treaties, statements of population, emigration, price of food

and labor, climate, coinage," &c. (United States Consular Regulations 1874, § 381.)

In addition to the annual reports, "all consuls will transmit, as soon as they are published, statements of all changes in the commercial systems of the governments to which they are accredited, copies of all commercial treaties, regulations, light-house notices, revenue laws, acts and regulations respecting warehouses, tonnage duties, and port dues; all tariffs and modifications thereof, and all enactments, decrees, royal orders or proclamations which in any manner affect the commercial, agricultural, mining, or other important interests of the United States." (§ 382.)

Consuls are also expected to "communicate freely and frequently with the department" in regard to "new inventions in machinery, * * * new seeds or plants, * * * information relating to agriculture, manufactures, population, and public works, * * * scientific discoveries, to progress in the useful arts and general statistics, * * * all events occurring within their consular districts which affect beneficially or otherwise the navigation and commerce of the United States; the establishment of new branches of industry; the increase or decline of those before established." (§§ 283, 284.)

By the act approved January 29, 1879, making appropriations for the diplomatic and consular service, consuls are required to report to the Secretary of State "such general information as they may be able to obtain as to how, where, and through what channels a market may be opened for American products and manufactures."

(Consuls also make certain returns directly to the Secretary of the Treasury, upon various subjects, for the guidance of the customs service in the appraisement and levying of duties upon imports; and any other information received by the Department of State upon matters of interest to the Treasury Department is promptly communicated to the latter.)

The important nature of the subjects upon which consuls are in the habit of making reports will be perceived from this statement of the Regulations, and the desirability of making the substance of these reports accessible to the public cannot but be apparent.

In pursuance of the requirements of section 208 of the Revised Statutes, the Secretary of State annually lays before Congress, among the papers accompanying the message of the President, two documents, entitled respectively the "Foreign Relations" and the "Commercial Relations" of the United States. The first of these contains correspondence between this government and its diplomatic agents and the diplomatic agents of other governments, and the latter the annual commercial reports of consuls.

The latter is the only distinct publication of reports upon commercial subjects from the representatives of the United States in foreign countries. It is considered as one of the documents accompanying the President's message, yet usually it is not printed until some months after the assembling of Congress.

The publication is in a large octavo volume, containing a communication from the Secretary of State to the Speaker of the House of Representatives transmitting it, with a review of the trade of the United States with the various countries of the world during the preceding year. This communication is followed by the annual reports of the consuls upon the commerce, industry, &c., of their respective consular districts, arranged alphabetically according to countries. The system of an annual publication of the commercial reports of consuls was established in 1856; and the present form of octavo volume was adopted in 1862.

The annual reports which appear in these volumes are prepared with considerable care and contain a great quantity of most valuable information; most of them are accompanied also by tables of statistics.

This publication has, however, naturally assumed almost altogether the character of a book of reference. Many of the reports contained in it, each year, are upon subjects which must have been of very present interest at the time when they were written, but whose benefit and usefulness are often lessened by the long delay in their publication. This delay appears to be inevitable. The times of publication of statistics and the variety of the systems of publication in other countries make it necessary to wait for several months in order to obtain all the material needed for this annual volume. Even, however, were the annual publication more prompt, the absence of any well-established system of distributing the volume would seriously interfere with such means of usefulness as it possesses. The State Department orders as many copies of it as it can pay for out of its annual appropriation for printing (in the year 1876 1,000 copies were ordered; in 1877 the same number), and makes as wide a distribution of them as is in its power. Members of Congress and Senators each receive their share of the "usual number" ordered by Congress to be printed, and distribute them as they see fit. But the circulation is still very limited, and the volume is not at all generally known; copies of it are asked for, by persons who do know of its existence, as a great favor; and it is utterly lacking in the essential requisite of being generally and readily accessible.

A pamphlet of 156 pages was published in 1878, as an appendix to the volume of Foreign Relations for the year 1877, containing answers to the "Trade Circulars" of July and August, 1877. These replies were very intelligent and interesting, but the pamphlet had no more extended distribution than the volume of which it was an appendix, the distribution of which is on the same plan as that of the volume of Commercial Relations.

By section 211 of the Revised Statutes (the act of August 18, 1856) it is provided that "the Secretary of State shall publish official notifications, from time to time, of such commercial information, communicated to him by diplomatic and consular officers, as he may deem important to the public interests, in such newspapers, not to exceed three in number, as he may select." This provision has not been enforced for want of specific appropriations of money for the purpose.

The system adopted within the last few years of giving abstracts of dispatches upon subjects of commercial or other general interest, or extracts from them, to the newspapers as soon as possible after their receipt, is still continued. Such items of information are given to the agents of the press associations and to such individual newspapers as express a desire to receive them, so that they have a wide circulation throughout the country. Some of the newspapers which represent commercial interests publish all of the items furnished.

This system of placing items of commercial information before the community has been received with the greatest favor, and has had the effect not only of adding to the interest in and knowledge of foreign trade, but of raising the foreign service of the government in the estimation and appreciation of the country.

It must, however, be observed that, although the items of information thus furnished are widely published, their being seen by the persons most directly interested in them is necessarily somewhat a matter of chance, for they do not appear at regular intervals nor in any connection

with one another, and the newspapers are under no obligation to insert them. In fact, the newspapers in the great cities do not always publish them, when they have sufficient other material with which to fill their columns.

To recapitulate: The annual volume of "Commercial Relations;" such portions of the annual volume of "Foreign Relations" as may refer to trade and industry; and the publication, just referred to, in the newspapers, of abstracts of reports or extracts from them constitute the entire system now in force of placing before the public the commercial information furnished the government by the representatives of the United States in foreign countries.

The conclusions of the Department as to the measures which may best be taken for an improvement in the existing system of diffusing commercial information are as follows:

1. That there should be issued by the Department of State, from time to time, and as frequently as possible, pamphlet publications, made up from the reports of the diplomatic and consular officers of the United States upon commercial and kindred subjects of general interest, and containing also copies of any notices or circulars of the Department, and such other miscellaneous information or suggestions as it may be considered desirable and useful to bring to the attention of the public. The number of reports now received by the Department is so great, and their incoming so steady and constant, that the frequent publication of a pamphlet of respectable size and quality could safely be counted upon; and it is believed that in time it may be found practicable to make the publication a periodical as well as a frequent one.

2. That while the Department of State should be permitted to make such limited gratuitous distribution of these publications as may seem to it to be beneficial to the commercial interests of the country, yet that authority should also be given to sell such additional number of copies as may be considered desirable, with a view to making the work generally accessible. It is the decided opinion of the Department that the custom of certain other governments to sell their publications of a corresponding nature, at a low price, should be adopted, and would be most useful in securing a general knowledge of this publication and its wide circulation throughout the country. It is thought that the price of each pamphlet publication (which should be complete in itself), as offered for sale should not exceed twenty-five cents. This would not only secure a wide circulation, but also to a considerable degree reimburse the expense of publication.*

Two most important elements of such a work are, first, sufficient matter of interest to make it of general acceptance; and, second, freshness and promptness in its publication, and cheapness and convenience in its distribution. As to its reception by the public it is believed that there can be no doubt, provided that its character is extensively made known. The favor with which the efforts of the Department in behalf of commerce have been received shows that any further steps in the

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*The question of selling published commercial reports has never, it is believed, directly received the consideration of Congress, but the general subject of the sale of all of the official publications of the government has received consideration on various occasions. Bills providing for the sale and limiting the gratuitous distribution of public documents passed the Senate in 1875 and 1876, but in neither instance were acted upon by the House. The debates give evidence of a general recognition of the desirability of a change in the system. As a matter of fact, certain publications of the government of general interest have been accessible to the public, by purchase only, for many years, as, for instance, the Patent Office Gazette, the charts of the Coast Survey, and the Official Postal Guide.

same direction, or any improvement in the existing system of diffusing commercial information, would be received with approbation. The Department is thoroughly convinced of the desirability of such a publication, and earnest in recommending it as a most valuable auxiliary to its efforts in behalf of foreign trade.

3. That the annual volume of "Commercial Relations" should be continued in its present form and arrangement, containing the usual communication from the Secretary of State transmitting it, and the *annual* reports of consuls. The latter should be reviews of the condition of trade and industry in the various consular districts for the year. Consuls frequently write at some length in regard to the history and habits of the people and other matters of general interest in their districts. This annual volume would be an appropriate means of publication of such articles also, and of extended statistical tables. Its character should be that of a book of general review and reference, as distinguished from the proposed frequent publications. The annual volume of "Foreign Relations," containing the correspondence and reports of diplomatic officers, should also be continued in its present form.

While it is not proposed to suggest at present any change in the system of distributing these volumes, yet an endeavor would be made to convey general information in regard to their character and contents in the columns of the more frequent publications.

4. That the present system of furnishing items of commercial information and abstracts of reports to the newspapers should be continued; and, in addition, that whenever information of immediate interest and importance is received, circular letters should be sent as promptly as possible to chambers of commerce and other similar institutions (either throughout the country or only at certain places, as might seem necessary) conveying such information. The Department desires to encourage in every way in its power frequent correspondence between itself and such institutions.

In addition to the service rendered to the commerce and industry of the country, the beneficial effect upon the diplomatic and consular services, and especially upon the latter, of a good system of publishing reports can hardly be overestimated. In the absence of an assured tenure of office and of an organized career, with the likelihood of gaining promotion, there is not at present that incentive to energy which it is desirable for a consul to possess. The means of gaining distinction which would be afforded by the publication of their reports, accompanied by their names, and the submission of these reports to the attention of a large and intelligent class of readers would undoubtedly be welcomed by these officers, and act as a great incentive to their pride and best exertions. The only possible measure of the number of reports from any one consul which could be published would be their importance and interest.

An examination has been made of the systems of publishing commercial information which have been adopted by some of the principal governments of Europe. (See Appendix.)

In case of the adoption of the system which is here proposed, there would remain to be considered certain details. It is very desirable that a work from which so good results may reasonably be expected should not be undertaken without the necessary facilities for its successful prosecution. The Department has given very careful consideration to the details of the proposed system, and, while naturally desirous of conducting it with the greatest economy, is quite unprepared to undertake it with its present force. For the competent administration of this whole branch of

the public service, in the collection, the publication, and the distribution of commercial information, the restoration of the former Bureau of Statistics under the title of "Bureau of Commerce of the Department of State" is therefore recommended, with a chief of bureau and two clerks, and with some addition to the usual annual appropriation for temporary clerkhire.

For the purpose of printing the proposed frequent publications, and the circular letters to chambers of commerce, it is estimated that an appropriation of $7,000 will be sufficient for the ensuing fiscal year, the proceeds of all sales to be paid into the Treasury.

WM. M. EVARTS.

APPENDIX.

1. Great Britain.
2. Italy.
3. Belgium.
4. France.
5. Sweden and Norway.
6. Switzerland.
7. Austria-Hungary.
8. Germany.

1.—GREAT BRITAIN.

The system now prevails in Great Britain of printing all Parliamentary papers and selling them at regular depots in London, at very low prices, so that they may be accessible to all persons. Price-lists of such papers are published monthly.

The blue books, containing diplomatic correspondence, the commercial reports from consular and diplomatic officers, as well as numerous other documents of general interest, are thus made accessible to the public.

The system of publishing the commercial reports of consular and diplomatic officers is especially well established, having been in operation for many years, and is considered to supply a great need and to be eminently useful and satisfactory. The following testimony as to its success, given at different periods, is interesting.

Mr. Hammond, permanent under-secretary of state for foreign affairs, testified before the select committee of 1858 "on the consular service and appointments" as follows, in reference to the publication of consular reports:

> It has been latterly the habit of the Board of Trade to lay before Parliament [subject to previous revision by the Foreign Office] all the material parts of the consular reports, and publish them; and I think it is one of the best arrangements ever made, and that it has stimulated the consuls to take pains. There is very valuable information to be found in some of those reports.
>
> * * * * * * *
>
> The commercial reports contain a mass of valuable information, and they are highly creditable to the consuls.
>
> I was very glad to see adopted the system, which I believe was introduced by Lord Stanley, of Alderley, of publishing those reports, because there was a great deal of valuable information which was not published formerly, and I never understood how the commercial body got access to it. Now those reports are published, and I think they improve from year to year.

He also stated that he considered it extremely desirable to publish the reports periodically, and to dispose of them generally to the public.

Referring to the commercial reports of secretaries of legation, which it was not then the custom to publish, Mr. Hammond said:

> I think it is very desirable that they should be published, as much for the information they contain as that it is advantageous to the class of public servants who make them that they should know that their work is submitted to the public eye.

The select committee, in its report, refers to the consular reports on commercial matters as having "already supplied a large amount of valuable statistics, and served to raise the consular service in public esteem."

Mr. Mallet, one of the principal officers of the Board of Trade, stated, in an inquiry held in 1864, that he had always understood that the consular reports had been found of great interest by the commercial public; that he knew that the sale of them was very extended, and exceeded, he believed, that of the other Parliamentary publications; that he had never heard any complaints in regard to the reports themselves; on the contrary, that he had always been led to believe that they were very useful to the commercial public and very highly appreciated.

In a Foreign Office circular of September 10, 1864, after the adoption of a system of publishing reports of secretaries of legation, Lord Russell said:

> These reports have of late attracted so much public attention and excited so much interest that the credit of the diplomatic service in general, no less than that of the secretaries in particular, is involved in their being ably and punctually drawn up.

In 1870 Lord Clarendon, then secretary of state for foreign affairs, who had held that position at different periods for seven years, and had first, in 1856, required the preparation of commercial reports by secretaries of legation, testified as follows before a "select committee on the diplomatic and consular services":

> With reference to the industrial reports [a special publication which had been made], I may say that I have received from the chambers of commerce of the manufacturing districts the thanks of those communities for the information which those reports have given and for the light which is thrown by them upon the question where British industry might be most conveniently carried. I say I do not believe you could have got that by any other machinery.
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> The result has been highly satisfactory to me, and I am sure that those reports have been highly useful to the mercantile community. They could have got the same knowledge from nowhere else.

Lord Derby, who had previously been secretary and under-secretary of state for foreign affairs, also bore witness to the value and instructive character of the reports of the consuls and secretaries of legation.

In the testimony taken before the select committee of 1871 "on the diplomatic and consular services" there appears to be a general recognition of the success of the existing system of publishing the consuls' and secretaries' reports, and a desire to increase its efficiency in every possible manner.

The system now in force may be thus described:

Within recent years a commercial department has been established in the Foreign Office to which the reports upon commercial subjects of consuls and secretaries of legation are sent (not as heretofore, to the Board of Trade), and under the supervision of which they are prepared for publication. Information of importance to the Board of Trade contained in these reports is immediately communicated to it, the two offices being in constant communication upon all matters affecting trade, and chambers of commerce and like institutions in the various parts of the kingdom are promptly notified of the receipt of information of immediate interest and importance, without being subject to the necessary delay involved in awaiting the printing and publication of the reports.

The consuls continue to make direct returns to the Board of Trade (sent under flying seal to the Foreign Office) upon a great variety of subjects connected with the British mercantile marine, as required by the merchant shipping acts, and much of the information contained in such

returns is embodied in the statistical and other publications of the Board of Trade or communicated by the latter to other appropriate offices.

These returns cover such subjects as the movement of British shipping, the sale, and purchase, and registry of ships by British subjects abroad; all matters relating to seamen, wrecks, and salvage; crimes on the high seas; notices of lights, buoys, and other matters affecting navigation, &c. (See "Instructions to consuls relating to matters affecting the British mercantile marine, under the merchant shipping act, 1854, prepared by the Board of Trade and approved by Her Majesty's secretary of state for foreign affairs," London, 1855, and subsequent instructions supplementary thereto.)

But reports upon strictly commercial and industrial topics are now made only to the Foreign Office.

Each British consul is required to make one annual general report to the Foreign Office "on the trade, commerce, and navigation" of his district. It is required of consuls that in their reports "means of developing the trade should be suggested."

These reports are intended for publication, and should be drawn up in such a manner as to afford, within a small compass, the best and readiest information to all interested persons. * * * Attention should be called to any local or national development of industry or production, more particularly to any such development which may be brought into competition with the industry and production of the United Kingdom, to the bearing of any state interference on it, and to the competition between British trade and the trade of other foreign countries in the consular district. (See the "General Instructions for Her Majesty's Consular Officers." Revised January 1, 1879.)

The first secretary of each British legation is required to make at least one report in each year upon the finances or commerce of the country in which the legation is situated. This report contains a general review of the condition of the finances or of the industries and commerce of the country.

In addition to these annual reports, the first secretaries of legation are frequently called upon for special reports upon specific subjects.

Second secretaries of legation are permitted to make reports upon subjects which they may select, although not required to do so; and their reports are also published, if considered by the government to contain valuable information.

I. The "Reports of Her Majesty's Secretaries of Embassy and Legation on the Manufactures, Commerce, &c., of the countries in which they reside" are presented to Parliament and published in octavo pamphlets. The number of these pamphlets published in 1878 was four, containing 25 reports in 697 pages.

The different numbers are called "parts," and the numbering of the pages is consecutive through the "parts" for each year. The numbers for a year would usually form, if bound together, a volume of convenient size.

Each number has a table of contents. Under the name of the country is given the name of the writer and the date of his report, with a synopsis of the different heads of the subject considered in it. The name of the writer of a report appears both at the beginning and close of his report. Following the table of contents in each number are given tables of the systems and weights and measures and currency prevalent in foreign countries, with their equivalents in the British standards.

The prices at which these reports are sold are very low. Of the four numbers for 1878 the prices were as follows:

Part 1, 173 pages, 11½*d*.

Part 2, 166 pages, 11*d*.

Part 3, 141 pages, 9*d.*
Part 4, 217 pages, 1*s.* 2*d.*
The price of each number is printed upon its cover.

Special reports from secretaries of legation upon specific subjects are sometimes presented to Parliament and published otherwise than in this series. In such case they are not bound with the reports of the regular series, but are published either each one by itself or else in connection with papers from other sources upon the same subject as that to which they refer. For instance, the "Reports respecting the late Industrial Conflicts in the United States" [1877], composed of reports from the first secretary of legation at Washington and the British consuls in several American cities, were published in a separate blue-book by themselves.

The titles of the following reports, chosen from among the twenty-five published in 1878, will give an idea of the character of the subjects examined by the British secretaries of legation:

1. Austria-Hungary.
   Mining industry in Austria.
      General position of mining industry.
      General statistics.
      Iron.
      Coal.
      Silver, quicksilver, and lead.
      Other minerals.
      Salt.
      Miners' associations, &c.
      Accidents.
      Taxation of mines.
2. Sweden.
   Finance and banking in Sweden.
      Swedish financial system.
      Ordinary revenue.
      Expenditure.
      Cost of collection.
      National debt, &c.
      Local taxation.
      Banking system.
      Tables.
3. Hayti.
   Trade, finance, and legislation of Hayti.
      Imports, exports, shipping, &c., at Port au Prince.
      Imports, exports, shipping, &c., at other ports.
      Customs duties.
      Financial condition.
      Public works.
      Legislation.
      Judicial establishment.
      Tenure of land.
      Consular fees.
      Military organization.
      Labor and immigration.
      Finance and customs arrangements.
4. The United States.
   The American ship-building trade.
      Decline of carrying trade.
      Navigation laws.
      Report of post office and roads committee.
      Roach's line of steamers to Brazil.
      American trade with Brazil and South America.
      Schemes for pushing American trade.
      Brazilian trade.
      Views of American consuls on extension of foreign trade.
      American ship-building.
      British competition.

II. The "Reports from Her Majesty's consuls on the manufactures, commerce, &c., of their consular districts" are presented to Parliament

and published in a form corresponding to that of the series of reports from secretaries of legation.

The number of parts in 1878 was five, comprising in all 175 reports in 1,786 pages, the numbering of the pages being consecutive through the parts.

The prices marked in each case upon the cover were as follows:

Part 1, 292 pages, 1*s.* 7*d.*
Part 2, 357 pages, 1*s.* 11*d.*
Part 3, 358 pages, 1*s.* 11*d.*
Part 4, 396 pages, 2*s.* 1*d.*
Part 5, 383 pages, 2*s.*

Each number has a table of contents, giving simply the names of the places from which the reports come. The name of the consular officer making a report is given only at the beginning of it.

Reports from the consuls in certain countries (China, Japan, and Siam), are sometimes published separately, as well as the reports from consuls at different posts upon some special subject. The former, however, are published in a form exactly corresponding to that of the reports in the regular series, and are fitted, therefore, to accompany them.

The reports of the consuls treat very thoroughly of all commercial and industrial subjects within the respective consular districts, and contain a great deal of very valuable information.

In this connection it may not be uninteresting to notice the detailed instructions of the British Foreign Office in reference to consular reports.

The reports should be divided under distinct heads, such, for instance, as:

Trade and Commerce—Including a description of exports and imports; of domestic trade; of market prices; of the operations of tariffs, trade laws, banks, and of monthly rates of exchange.

Shipping and Navigation—Including notice of British, foreign, and coasting ships; matters relating to ports, harbors, light-houses, lights, ship-building, and all information relating generally to shipping and navigation.

[This last section is understood to refer more especially to the information to be contained in the returns to the Board of Trade.]

Agriculture—Describing nature and yield of crops, and any general information connected with the subject. This head should embrace such information as can be given relative to the animal and vegetable produce of the district where the consular officer resides.

Population and Industries—All matters relating to mines, factories, &c., and the employment of the people of the consular district, including rate of wages.

Public Works—Roads, railways, canals, bridges, telegraphs, and all corresponding information.

(From the General Instructions for Her Majesty's Consular Officers. Revised January 1, 1879.)

The favor with which the publication of the commercial reports of the British consuls and secretaries of legation is received and the acknowledged success of the system have already been indicated. Complaint is frequently made that the reports are too long delayed at the Foreign Office before being communicated to the public, but the publications themselves are said to continually grow in public favor.

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2. ITALY.

The reports of the Italian consular and diplomatic officers upon commercial and other non-political subjects are contained in the publication entitled "Bollettino Consolare, pubblicato per cura del ministero per gli

affari esteri di S. M. il Re d'Italia" (Consular Bulletin, published under the direction of the ministry for foreign affairs of His Majesty the King of Italy).

The greater part of the reports which appear in the Bulletin are those of consuls, but it is also the vehicle for the publication of such non-political reports of diplomatic officers as may be of general interest.

The publication is a monthly one, in octavo pamphlets, the twelve numbers finally forming an annual volume. Sometimes the numbers for two months are bound in one and appear at the same time, but the usual system appears to be that of actual monthly publications. The six numbers from January to June and from July to December, inclusive, each form one of the two Parts into which the annual volume is divided, and the numbering of the pages is consecutive through the six numbers of each Part. Each number contains a table of its own contents, and the numbers for June and December contain also tables of contents of the Parts of the volume of which they are respectively the final numbers. At the end of the year a paper cover for binding the twelve monthly numbers in one annual volume is sent to subscribers.

The subscription price of this publication is twelve lire ($2.32), payable in advance. Annual subscriptions are received at three specified depots in the kingdom, which are shops of booksellers in Rome, Florence, and Turin. The numbers are sent post-free to subscribers in other parts of Italy. The publication of each number is previously announced in the Official Gazette, and a table of its contents given.

The numbers are also sold separately, but the retail price of each number varies according to the number of its pages. In the numbers for 1876, for instance, that for February contains only forty pages, while that for October contains one hundred and eighty-six. The price of the first of these was 90 centimes, of the second 2 lire 70 centimes. The prices of the twelve numbers for 1876, sold separately, amounted to 25 lire 40 centimes, or over 13 lire above the subscription price.

The number of pages in 1876 was:

For the first six months	483
For the second six months	736
	1,219

In the numbers for 1877:

For the first six months	629
For the second six months	659
	1,288

The reports in many cases bear the date of the month of the issue of the number in which they appear, others are dated a month or a few months earlier, and some are dated in the preceded year. Those bearing an old date usually contain a summary of a year's observation or tables of annual statistics, or come from officers in distant countries.

At the end of each number are given notices of Italian consular appointments, transfers, &c. The name of the officer making a report is prominently given both in the table of contents and at the heading of his report.

The number of reports published in the Bulletin in 1876 was seventy; in 1877, sixty; in the first six months of 1878, thirty-seven.

The following list of reports, selected from those published during the years above mentioned, will give an idea of the variety of the subjects of the reports:

1. The London police.
2. The cultivation, manufacture, and trade in sugar in the French department of the Var.

3. Commercial and industrial situation of Germany during the last three months of the year 1875.
4. The production of flax and the manufacture of linen in Ireland.
5. The cholera in Soria in 1875.
6. The condition of the Suez Canal and the transit in 1875.
7. The ice trade at Bombay.
8. Information for Italian young men seeking commercial employment in India. (Abstract of consul's report.)
9. Italian emigration to the Argentine Republic. (A report in answer to certain inquiries made by the Society for the Protection of Italian Emigrants.)
10. Italy at the International Exposition of Santiago.
11. General observations in regard to the territory around the Sea of Azov.
12. The coasting trade of the Red Sea.
13. The railroads, telegraphs, and postal service of the Argentine Republic.
14. The importation of butcher's meat from America and its influence upon the cattle trade of Ireland.
15. The condition of Italian interests in Taganrog.
16. Italian labor in Austria-Hungary.
17. The grain trade at Odessa.
18. Ship-building upon the Clyde.
19. Primary instruction in England.
20. The woolen fair at Warsaw.

Reports upon any subject of general interest are occasionally published in the Official Gazette, but they also appear again, notwithstanding such publication, in the "Consular Bulletin." The Bulletin is the only official publication which regularly contains the commercial and other non-political reports of the Italian representatives in foreign countries. Besides its circulation among subscribers and other purchasers, it is sent gratis to chambers of commerce and similar associations. There is said to be a good demand for it upon the part of the commercial houses in the great seaports, but the sale is not so large as the valuable character of the reports merits.

The "Consular Bulletin" has, perhaps of necessity from its nature, assumed the character of a collection of statistics and of essays upon commercial and other non-political subjects. It makes, in its collection of annual volumes, a series of great value, very useful and trustworthy for reference.

It does not altogether fulfill, however, the essential requisites of a good consular publication, for it does not bring to the notice of the business classes in a fresh, seasonable, and convenient manner the information which they need.

With a view, it is presumed, to remedy this defect, the Italian Government has lately established the custom of printing what is called the "Bollettino di Notizie Commerciali" (Bulletin of Commercial Information), which is published by the Ministry of Agriculture, Industry, and Commerce. Whenever the ministry possesses some information, either from its own agents or from other sources, at home or abroad, upon matters of commerce, finance, tariffs, or anything else which may be of interest to the business community, it prints it, either by itself or in company with one or more other items, as may be thought advisable, and publishes it. These publications are simply little sheets of four or more pages, such as can be easily read, or carried in the pocket, or placed upon the desk of a counting-room. The first of these sheets was published in April, 1878, and the whole number of them up to the end of April, 1879, was seventeen. They are sent in quantities to chambers of commerce and other commercial or industrial associations, and their object is to bring to the attention of men of business, as promptly and freshly as possible, information of importance which otherwise they might not receive until too late or not at all.

The Ministry of Foreign Affairs communicates to the Ministry of Agri-

culture, Industry, and Commerce, as promptly as possible, any information furnished by diplomatic or consular officers which it considers appropriate to the "Bulletin of Commercial Information." Several abstracts of such reports and extracts from them have already appeared in this publication.

The Italian Government takes considerable interest in this Bulletin, and the consuls and legations have recently been instructed to send information appropriate to it as often as possible, in addition to the preparation of the other reports for the "Consular Bulletin."

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3. BELGIUM.

The Belgian consuls are required to make annual reports, in addition to such other special reports as they may prepare, either in their own discretion or under specific directions from the ministry of foreign affairs.

These reports are published in an annual octavo volume, entitled "Recueil Consulaire, publié en exécution de l'arreté royal du 15 Novembre, 1855" (Collection of Consular Reports, published in pursuance of the royal decree of November 15, 1855). Dispatches from ministers upon commercial subjects are also published in this series.

These reports have been thus published since 1855, and now form a series of 24 volumes. The publication has been annual, or as nearly so as possible, taking place whenever a sufficient number of reports has been received to make a volume of about 800 pages. The price of the volume is eight francs ($1.54).

Each volume contains a table of contents, under the names of the different countries; and also a carefully prepared analytical index, referring to the various commodities and industries treated of in the reports. The name of each writer is given at the close of his report; and each volume contains a list of the consular officers of Belgium.

In addition to the publication of the "Recueil Consulaire," information of the receipt by the ministry of foreign affairs of any important commercial dispatch is promptly communicated to the public in the "Moniteur Belge," which is the official journal, and an opportunity is given to persons interested to read the dispatch. The following extract from the "Moniteur Belge," of the 1st of January, 1879, is an instance of the form of notice which is given:

> The vice-consul of Belgium at Naples has sent to the department of foreign affairs a communication relating to the construction of the new railroads which are to be built in Italy, with special reference to the subject of the participation of Belgian capitalists in such enterprises. This communication may be consulted by persons interested in the subject, at the bureau of commerce and consulates.

In the "Moniteur Belge" are also published all other notices of the ministry of foreign affairs, many of which, such as notices in regard to commercial treaties, are necessarily of general interest to the business community.

The views of the Belgian Government upon the subject of consular reports have been thus expressed:

> The Belgian government, ever solicitous to extend the commercial relations of Belgium with foreign countries, recognizes that the greatest service which its consuls and special agents abroad can render to the country is, unquestionably, to direct the attention of the commerce and industry of the country to the opportunities which the markets of the world offer to our ship-owners and manufacturers.
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> It therefore considers it to be desirable to gather together and arrange the valuable information received from consuls, to accomplish which result the department of foreign affairs has adopted the system of publishing the "Recueil Consulaire."

Let us briefly refer to the real character and the precise bearing of the documents contained in this publication.

The consuls, after careful investigation, furnish in their reports complete information, even in minutest detail, upon the subjects of prices, the conditions of sale and character of the principal articles of import and export, in order to show what opportunities the current market affords; upon the movement of shipping, and the condition of industry, agriculture, and mining; upon customs tariffs, and commercial legislation in general; upon treaties of commerce and other international arrangements; upon the opportunities for immigration which the country in which they reside offers; upon the construction of railroads, especially in regard to furnishing the necessary material; upon currency, weights, and measures; upon all subjects, in short, which are of a nature to interest commerce and industry, and to establish between our merchants and our producers on the one hand and foreign houses on the other established relations and more intimate connection.

The Belgian secretaries of legation are not required to make reports, but are permitted to do so, and have frequently availed themselves of the opportunity. Their reports, when of sufficient length or interest, are published separately, as soon as possible after their receipt, and sold in octavo pamphlets at the price of one franc each. They are also collected, together with others which it has not been considered advisable to publish separately, and again published whenever a sufficient number of them has been received to make an octavo volume of about 400 pages. Three of such volumes have already been published in the years 1872, 1875, and 1878, and sold at five francs each (96 cents). To regular subscribers to the numbers as they are published the price of this volume of reports is four francs (77 cents). Although the publication thus far has been at intervals of three years, yet it is not periodical or regular.

These reports form the series entitled "Recueil des Rapports des Secrétaires de Légation de Belgique" (Collection of the Reports of the Secretaries of Legation of Belgium).

These reports of secretaries of legation (as well as those of the consuls) are published and sold by an agent in the city of Brussels, to whom they are furnished by the ministry of foreign affairs, and who is paid a certain amount per annum for printing and publishing them.

The name and rank of the secretary of legation making each report are prominently given at the beginning of the report, and the name is again given at the close. Each volume contains a table of contents upon its cover, and also at the end of the volume.

These reports of the Belgian secretaries of legation cover almost all subjects of interest other than political, and are not by any means limited to commercial subjects. They are of value, therefore, not to the commercial classes alone. They are, also, and more especially, useful to the government and to persons interested in administrative, economic, and other public questions, describing as they do the customs and experience of other countries.

The variety of topics considered in them may be estimated from the following list of subjects of twelve reports, selected from the thirty-seven reports included in the three volumes of collected reports:

1. The labor of children in the manufactures of Holland.
2. The public law of the Swiss Confederation.
3. The exercise by foreigners of the right to hold real estate in Turkey.
4. Workingmen's strikes in England in 1871.
5. The production of sugar, coffee, and cotton in Brazil.
6. Laws regulating the tenure of property by religious associations in the State of New York.
7. Criminal justice in England.
8. The penal system and the penitentiary establishments of England.
9. The Imperial University of Tokio (Japan).
10. The Universal Exposition at Philadelphia.
11. The condition of the Portuguese colonies.
12. The Prussian laws in relation to hunting.

4. FRANCE.

The French "Annales du Commerce Extérieur" (Annals of Foreign Commerce), published since 1843, appears to be the oldest of the regular publications of commercial reports from diplomatic and consular officers now existing in any country of Europe. It has quite a distinct character of its own, and was until 1877 the only regular French publication of the kind under consideration.

"THE ANNALS OF FOREIGN COMMERCE."

"The Annals of Foreign Commerce, published monthly by the ministry of agriculture and commerce, furnish periodical information in regard to the commercial legislation and the condition of manufacturing, commercial, and shipping interests both in France and foreign countries."

Each monthly number contains several unbound documents, each of which is numbered according to its place in the whole number of documents, which have been or may hereafter be published in the "Annals." These documents are quite separate and distinct from each other, but are inclosed in the same loose paper cover, on which are printed the numbers of the documents inclosed within it, and a table of their contents.

All of these documents are comprised, as to their subjects, under two general heads: First, "Commercial Legislation," (Legislation Commerciale), and second, "Commercial Facts," (Faits Commerciaux). Under the first head are published, much more in detail, naturally, in the case of France than of foreign countries, documents containing laws upon subjects affecting trade, such as the tariff, the sanitary examination of cattle, emigration, &c.; notices of the conclusion, continuance, modification, or termination of treaties; ministerial rulings on the classification of articles and on other questions of tariff; circulars of the chief customs officers, &c., and also, at certain periods, the reports and appraisements of the French "permanent commission for customs appraisements."

Under the second head of "Commercial Facts," are comprehended documents containing statistics of manufactures, trade, and shipping, accompanied by explanatory and descriptive notes.

In addition to its number in the whole series of documents, each document is also numbered as one of a series of documents in relation to the country to which its contents refer, always under one or the other of the above-described heads, viz, as having reference to the "commercial legislation" or the "commercial facts" of that country.

The intention is that these documents shall furnish the material for volumes *according to countries*, forming a series to be always continued in succeeding volumes, as rapidly as sufficient material may be acquired. Although several documents appear together in one monthly number, yet each document has its own distinct destination in the next volume of the country to which its contents refer.

A detailed examination of one number of the "Annals" may perhaps make the nature of the publication more evident, for the arrangement appears to be somewhat complex, although it is in reality simple when understood, and calculated to furnish a most useful and practical series for reference.

The monthly number for January, 1878, may be regarded as a fair example of the system, since all of the numbers are arranged upon a like principle. The loose paper cover bears this inscription in French:

"Ministry of Agriculture and Commerce. Annals of Foreign Commerce. Numbers 2112 to 2114. January, 1878," and a table of contents. It incloses, as is shown by the title, three documents. The first document is numbered 2112—*i. e.*, according to its place in the whole number of documents. It is also entitled: "France, Commercial Legislation, No. 300"—signifying that it is the three hundredth document which has been published in the "Annals" in relation to the "commercial legislation" of France. This document contains notices of the continuance of certain commercial treaties with Austria, Italy, and Norway and Sweden, and circulars from the general direction of customs in reference thereto; also, a ministerial ruling as to the classification for tariff purposes of iron tubes intended to form the body of the heating apparatus for railway carriages; also, a ministerial order providing for the free importation and transit of live sheep and goats and of fresh beef and mutton coming from any part of the German Empire, and the appropriate supplemental circular from the general direction of customs. Up to the present time there are eleven volumes of bound documents, chronologically arranged, in reference to the "commercial legislation" of France, and this document will therefore be hereafter included, with others, in the twelfth volume.

The second document in the number for January, 1878, is No. 2113. It is entitled "Chili, Commercial Legislation, No. 16," meaning that it is the sixteenth document which has been published in the "Annals" in reference to the commercial legislation of Chili. It contains the text of an existing commercial and customs law of Chili, with certain additional provisions made in the year 1877.

The third document (No. 2114) comes under the second principal head of "Commercial Facts," and is entitled "Italy, Commercial Facts, No. 16." That is to say, it is the sixteenth document published in the "Annals," up to the present time, in reference to the "commercial facts" of Italy. It contains statistical tables of the commerce and navigation of Italy, in various aspects, and also separate tables, accompanied by explanatory notes, of the business of the principal Italian ports, Brindisi, Civita Vecchia, Genoa, Leghorn, Messina, Naples, &c.; also, tables of the trade between France and Italy, taken from documents published by the French direction of customs.

Whenever the loose documents in the series of France or of any other country, under either of the two principal heads of "Commercial Legislation" or "Commercial Facts," comprise a sufficient quantity of matter to form a volume, a paper cover for binding is sent with the last document of the volume. This document, "Italy, Commercial Facts, No. 16," happens to be the last number of a volume, and a cover for binding is inclosed with it, entitled "Annals of Foreign Commerce, published by the Department of Agriculture and Commerce; Italy, Commercial Facts, Nos. 1 to 16; August, 1862, to January, 1878." This is accompanied by a table of contents of the whole volume.

The whole number of documents published in the "Annals" during the period from 1843 to 1879 amounts to over 1,400. The number of complete volumes in relation to the different countries, up to January, 1879, is 77. The number of documents which have been published in the "Annals" in reference to the United States is, under "Commercial Legislation," 23; under "Commercial Facts," 45.

Consular or diplomatic reports containing information of the character desired for the "Annals" is sent to the ministry of agriculture and Commerce by the ministry of foreign affairs, and the notes of description and explanation which appear in the portion of the "Annals" enti-

tled "Commercial Facts" are prepared in the former office from the information thus furnished.

The distinct character of the "Annals" is thus described in a note from Monsieur de Rémusat, the French minister of foreign affairs, to Lord Lyons, British ambassador at Paris, January 27, 1872:

> This publication differs essentially from other foreign consular publications, in that the consular reports, instead of being reproduced *in extenso*, each by itself, under the signature of the writer, are made use of in the office of the minister of commerce to contribute to the forming of a complete work, in which the very useful information contained in the different consuls' reports is divided up according to countries and subjects, without any mention of the officers who have furnished it.
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> * * * * * * *
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> The advantage which this mode of publication presents is to give to the reader a complete work, the result of the careful study and co-ordination of the reports of the consuls and of the documents forwarded by them, instead of furnishing him only isolated suggestions. Moreover, the information collected in this way has a degree of exactness much greater than could be obtained if the reports were published separately, for when, in the editing of the "Annals of Foreign Commerce," the various views of the different consuls do not seem to be in accord, they thereupon become the subject of a demand for more explicit information, which affords an opportunity for making such alterations as may be necessary.

Beside the pages of the "Annals," the only other methods of communicating commercial information to the public which, until recently, existed in France, were the insertion in the Official Journal of brief notes or abstracts of consular dispatches of immediate interest as soon as possible after their receipt, and the occasional sending of copies of such dispatches direct to chambers of commerce. The "Annals," however, continued until 1877 the only official publication in which commercial information from the representatives of France in foreign countries regularly appeared.

In 1874, by a decree of April 9 of that year, there was appointed a "commission for the development of foreign trade." The object of the appointment of this commission was to examine into the causes affecting the foreign trade of France, which appeared at the time, although increasing, yet to be increasing with less rapidity and promise than that of some other commercial countries; and also to ascertain by what means this trade could be made more extended and prosperous. The commission was appointed at the instance of the ministries of foreign affairs and of agriculture and commerce, and the head of the latter was made its president. The commission made a thorough and conscientious inquiry, continuing over a period of about two years, and made use of every available means of investigation. It may be interesting to note here the task allotted to each one of the four subcommissions into which the commission divided itself for the better prosecution of its examination of the subject of a development of foreign trade, although it is with the conclusions of but one of the subcommissions, upon one point, that the present subject of consideration has to do.

The first subcommission was charged with an inquiry into the French consular system and the best methods of publishing official documents, especially the reports of consuls; the second with the subject of commercial education and the means of encouraging and diffusing it; the third with the subject of means of communication and railway freight rates; the fourth with all other questions not directly connected with the foregoing, and particularly with questions of taxes and credit.

The first subcommission made an examination of the methods of publishing consular reports which prevailed in foreign countries, as well as of the French system, and made a report of the conclusions to which their examination induced them. They recognized at the beginning that

"the principal object of their [consuls'] commercial correspondence should be to seek means of increasing the outlets for French industry abroad, and to enlighten commerce in respect to domestic legislation and local usages in the various foreign countries."

The subcommission expressed its hearty approval of the existing custom of publishing short notices in the Official Journal and of communicating, under certain circumstances, consular dispatches to chambers of commerce. But neither of these, in the opinion of the subcommission, sufficed to bring directly and with sufficient promptness to the business classes the information which it was to their interest to possess. In regard to the "Annals of Foreign Commerce," the subcommission stated its high appreciation of that publication, as both instructive and useful, and the desire that it might be continued in its full efficiency, but expressed the opinion that its especial province was that of a book of reference, "useful from a legislative, economic, and commercial point of view," and that it was wanting, as well as the other existing methods, in the requisites of prompt and seasonable publication and distribution, which the subcommission insisted upon as absolutely essential.

After a careful study of the systems of publishing consular reports which had been adopted in other countries, the subcommission expressed the following conclusion:

> It appears to us that it would be very advantageous to establish a special publication for the reports of the French representatives abroad, following the plan of the consular publications of Italy and Belgium and the English documents of a like character. Such a publication, from which should be excluded all material derived from other sources, should appear not at fixed periods, but simply whenever the reports are received, so that there should never elapse more than a few days or a few weeks between the time when the reports are received by the government and the time when they are given to the public.

The conclusion of the commission was received with great favor by the government and the National Assembly, the latter of which authorized the ministers of foreign affairs and of agriculture and commerce to make such arrangement for the publication of the consular reports as would effectually bring their contents, as frequently as possible, within the reach of the commerce and industry of the country.

The "Consular Bulletin" was the result of such arrangement, and it and the "Annals" now constitute the regular official publications of commercial information received from the diplomatic and consular officers of France.

THE "CONSULAR BULLETIN."

"The French Consular Bulletin, collection of the commercial reports made to the minister of foreign affairs by the diplomatic and consular agents of France in foreign countries." (Ministère de l'agriculture et du commerce. Bulletin Consulaire Français. Recueil des rapports commerciaux adressés au ministre des affaires étrangères par les agents diplomatiques et consulaires de France á l'étranger), is an octavo pamphlet, published at irregular intervals by the ministry of agriculture and commerce, the reports being communicated to the latter by the ministry of foreign affairs, by which they are in the first instance received, everything of a political character having first been carefully excluded. The governing principle in the publication of the "Consular Bulletin" is that whenever a number of reports sufficient to make a pamphlet of convenient size has been received they should be given to the public.

This publication is now in its third year. In the year 1877 11 pamphlet numbers were published, comprising in all 880 pages, and containing 79 reports; and in 1878 12 numbers, comprising 967 pages, and

containing 125 reports. The numbers for a year form a volume. Each number contains 80 pages, and reports which cannot be entirely included within the limits of one number are continued and completed in the next, the numbering of the pages being continuous through the numbers for a year. At the beginning of each number is a table of contents, in which the name and title of the diplomatic or consular officer making each report are prominently given. The author's name and title again appear at the end of his report. (The giving of prominence to the names of the writers was especially recommended by the first subcommission.) No less than seven reports from the consul at Liverpool were published in the "Bulletin" in 1878, but it has not often happened that the name of a consul appears more than once or twice in the "Bulletin" in the course of a year.

The first number for each year contains a list of the diplomatic and consular officers of France in foreign countries, and the last number is accompanied by a table of contents for the year, arranged alphabetically according to countries, and a paper cover for binding in an annual volume.

Only one report from a purely diplomatic officer has thus far been published in the "Consular Bulletin"—a report by the ambassador at Rome (in No. 8, 1878) upon the foreign trade of Italy. The "Bulletin" is, however, the vehicle for the publication of such commercial reports as may be made by diplomatic as well as by consular officers.

The annual subscription to this publication is 12 francs ($2.32); single numbers are 1 franc 25 centimes. Subscriptions are received and single copies sold at the National Printing Office, which is the depot for the sale of most of the French official publications.

The following selection from the tables of contents of the volumes for 1877 and 1878 will show, to some extent, the character of the subjects upon which reports are made:

1. The coffee trade of Hamburg in the year 1876.
2. The Egyptian cotton crop of 1876–'77.
3. The petroleum oils of Pennsylvania.
4. New outlet in the Gulf of Obi for the commerce of the North German ports.
5. Report of a conference held at Frankfort for the reform of the existing systems of credit.
6. Analysis of the report of the Frankfort chamber of commerce for the year 1877.
7. The herring fishery off the Scotch coast in 1877.
8. The use of imported stone for building at Anvers.
9. Report upon metallurgy and the working of the mines in the province of Liège.
10. Commerce and navigation in the ports of China during the year 1876.
11. Trade between the United States and Canada.
12. Information in regard to the condition of agriculture in the district between Orbitello and Rome.
13. The cultivation and trade in Sicilian wines.
14. The duty upon salt and its production in Russia.

It may also be of interest, before leaving the subject of the French commercial publications, to notice another recommendation of the first subcommission, which is applicable to the commercial reports of consuls:

> For the better publicity of official and legislative documents in general, the government should be earnestly urged to follow the English method; that is to say, to avoid any kind of display; to adopt as much as possible the size of book which is most usual among booksellers; to prepare and sell a catalogue of all official documents; to establish, in one of the most frequented quarters of Paris, a central depot for the sale of all these publications, without regard to the government offices from which they come; to charge only a moderate price for them, and to have the price printed upon the cover of each one.

5. SWEDEN AND NORWAY.

The consuls of Sweden and Norway are required to make annual reports, containing a review of the trade and industries of their consular districts for the year, and also, from time to time, such other reports as they may deem advisable, or as they may be called upon to make, upon special subjects. These reports are made directly to the Board of Trade, which is a distinct department of the government, and not to the ministry of foreign affairs, as is the case with reports of a political character.

These reports are published at Stockholm and Christiania, under the direction of the board of trade, and constitute the official publication entitled "Berättelser om Handel och Sjöfart fråu de Förenade Rikenas Konsuler" (Reports upon Commerce and Navigation from the Consuls of the United Kingdoms). They form a series of octavo pamphlets, which do not appear at regular intervals, but are published whenever a number of reports sufficient to make a pamphlet of a certain size has been received. In 1878 seven of these pamphlets, comprising in all 342 pages, and an appendix containing the reports from Shanghai for the year 1876, were published. The seven pamphlets for 1878 contained 91 reports. The numbering of the pages is consecutive through the pamphlets for a year, and the last one contains a title-page and a table of contents for the year, with a view to binding in an annual volume.

Each number has a table of contents, and the name of the writer of each report is given at its close.

The secretaries of legation of Sweden and Norway are not required to make reports.

Commercial reports from ministers are sent directly to the ministry of foreign affairs, but are also published in these pamphlets, after being communicated by the ministry to the Board of Trade.

If a report of immediate interest and importance is received from either a minister or consul, it is published in the Official Gazette, without awaiting the publication of the next number of the consular reports, and such reports are copied from the Official Gazette into the various commercial and other newspapers of the kingdom. In case of the receipt of information concerning epidemic diseases of such a character that precautionary measures become necessary, a royal ordinance is issued upon the subject, and this ordinance is, according to custom, read in all the churches on a succeeding Sunday.

The government at one time undertook to publish a sort of weekly commercial review, for the benefit of the commercial and industrial interests of the country, composed in principal part of the consular reports, but containing also appropriate material derived from foreign reports and from other sources. This project, however, failed, as enough subscriptions to the periodical were not received to make the undertaking in any degree successful.

The present publication is sent gratis by the government to public institutions and to other bodies of a public character, such as chambers of commerce. To all private individuals it is made accessible by sale. The annual subscription is four crowns ($1.07), and single numbers are sold at prices which vary according to the number of pages. Subscriptions are received at all bookstores in Sweden and Norway.

The publication is not remunerative to the government, and is not expected to be, but is otherwise considered very successful and satisfactory, and is received with confidence and favor by the business classes.

6. SWITZERLAND.

The consuls of the Swiss Confederation are directed to do everything in their power to "advance the prosperity of the confederation in matters of commerce, industry, and agriculture," and to use their best efforts to "encourage trade and intercourse between Switzerland and their consular districts, as well as to avert the dangers and injuries to which trade and intercourse may be exposed."

To further these objects, consuls are expected to make reports to the federal government upon all matters of consequence; upon discoveries and progress in arts, science, and manufactures, and upon commercial legislation, &c., of such character as to be of interest to Swiss commerce.

In addition to such occasional communications as they may deem it advisable to make to the federal government, consuls are also required to make annual reports. Such of these annual reports as are of a nature to interest commerce and the general public are published, under the direction of the department of railways and commerce, and in the order in which they are received, as supplements to the "Feuille Fédérale" (the Official Gazette). This publication contains also all of the laws of the Federal Assembly, and the principal reports, ordinances, and other notices of the various branches of the federal government.

The annual subscription to the "Feuille Fédérale" is four francs (77 cents).

In some of the cantons certain officials are required to keep it on file in their offices, and in others the authorities, even of the communes, are required to do so, so that the commercial reports and other information which it contains are readily accessible to the public.

The reports thus published are also, each year, collected in an annual volume, entitled "Sammlung von Jahresberichten Schweizerischer Konsulate—Recueil de Rapports Annuels des Consulats Suisses" (Collection of Annual Reports of the Swiss Consulates). The volume for 1877 contained forty-nine reports, in 618 pages.

There is a decided disadvantage in the circumstance that the reports, both in the "Feuille Fédérale" and in the annual collection, are not printed in at least two languages, German and French. Some are in German and some in French, so that they cannot all be generally read throughout the cantons. In other respects, however, the system of disseminating information appears to be a very good one.

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7. AUSTRIA-HUNGARY.

The Austro-Hungarian consuls send their reports in duplicate to the various legations under whose jurisdiction they are. These reports are then forwarded to the imperial and royal ministry of foreign affairs at Vienna, by which they are sent to the ministries of commerce at Vienna and Pesth, respectively. The only publication made of the reports, so far as Austria proper is concerned, is in the commercial newspaper called "Austria," and in various other commercial newspapers.

The consuls at all the important places make annual reports, and these reports are furnished to the commercial newspapers referred to whenever, in the opinion of the ministry of commerce, they contain information which may be useful and interesting to the business public. It is believed that the government also sends these reports to the local boards of trade.

The Austro-Hungarian secretaries of legation have, since 1876, been called upon for annual reports upon such subjects as they may themselves select, not only of commercial, but of industrial or economic interest, as distinguished from merely political reports. The "Brown Book," published in 1877, is the only collected volume of such reports which has thus far been published, and the reports do not appear separately. It appears to be doubtful whether the publication will be continued.

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8. GERMANY.

The German consuls are required to make annual reports, to be sent to the chancellor of the empire, upon the business of their respective consulates, and the commerce and industry of their consular districts. They are particularly instructed to report upon matters affecting trade with the various states of the Empire.—(See the "Handbuch des Deutschen Konsularwesens von B. W. König," Berlin, 1878.)

The German Government, however, has not established any distinct publication of the commercial reports of consuls.

In the "Handels Archiv" (Archives of Commerce), a weekly publication of the Prussian ministry of commerce, consular reports are inserted in full or in part, according as their importance may merit.

This publication is sold mostly to subscribers, which renders it difficult for the general public to obtain copies of it, but there is said to be a great and constantly increasing demand throughout Germany for information upon commercial subjects.

46TH CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { EX. DOC. No. 60.

EXPATRIATION AND SLAVERY IN CHINA.

MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

TRANSMITTING,

In response to a resolution of the House of Representatives, reports from the Secretary of State in relation to slavery in China, and portions of the penal code concerning expatriation.

MARCH 12, 1880.—Referred to the Committee on Education and Labor and ordered to be printed.

EXECUTIVE MANSION, *March* 11, 1880.

To the House of Representatives:

I transmit herewith a report, dated the 9th instant, from the Secretary of State, with the accompanying papers, in answer to the resolution of the House of Representatives of the 25th ultimo, requesting the President to transmit to that body, if not deemed incompatible with the public interests, copies of such dispatches as have recently been received by the Secretary of State from the consul-general at Shanghai upon the subject of slavery in China, and those portions of the penal code of China which forbid expatriation.

R. B. HAYES.

DEPARTMENT OF STATE,
Washington, March 9, 1880.

To the President:

The Secretary of State, to whom was referred the resolution of the House of Representatives, of the 25th ultimo, requesting the President to transmit to that body, if not deemed by him incompatible with the public interests, copies of such dispatches as have recently been received by the Secretary of State from the consul-general at Shanghai upon the subject of slavery in China, and those portions of the penal code of China which forbid expatriation, has the honor to submit herewith the papers called for by the resolution. In connection therewith there is also transmitted a copy of the recent correspondence with the legation of China in this city in reference to the provisions of section cclv of the Penal Code as affecting emigration and the renunciation of allegiance.

WM. M. EVARTS.

Papers transmitted.

Mr. Bailey to Mr. Payson, No. 47, dated October 22, 1879. Mr. Bailey to Mr. Payson, No. 48, dated October 21, 1879. Mr. Bailey to Mr. Payson, No. 59, dated December 2, 1879. Mr. Evarts to Mr. Yung Wing, February 17, 1880. Mr. Yung Wing to Mr. Evarts, March 2, 1880.

Mr. Bailey to Mr. Payson.

No. 47.] UNITED STATES CONSULATE-GENERAL,
Shanghai, October 22, 1879. (Received November 29, 1879.)

SIR: I have the honor to inclose a report I have thought fit to make upon the subject of slavery in China, with inclosures Nos. 1 to 11, inclusive, containing extracts relating to the Chinese law of slavery as translated by Sir George Thomas Staunton. His translation is, I believe, the only one extant and accepted by Chinese scholars as accurate and trustworthy. I am under great obligations to Dr. H. Latham, of this office, for his valuable assistance and research upon the subject of this dispatch.

If Chinese emigration to the United States is to continue and increase with slavery, or *quasi* slavery, and concubinage inbred and permeating its every feature and organization, so that they may be said to be an indissoluble part of its present system, is it not a subject to which American statesmen should turn their attention with some degree of anxiety?

Is not this Chinese system of concubinage which is now being introduced into America through Chinese emigration but a twin sister of polygamy, that other "relic of barbarism" now so firmly rooted in the heart of the American continent, and toward the extermination of which the government is now bending its energies?

I have, &c.,

DAVID H. BAILEY,
Consul-General.

Hon. CHAS. PAYSON,
Third Assistant Secretary of State, Washington, D. C.

UNITED STATES CONSULATE-GENERAL,
Shanghai, China, October 22, 1879.

SLAVERY IN CHINA.

That slavery exists in China is known to every one who is at all familiar with the institutions of this empire.

All of the prominent writers upon China and the Chinese from the time of Marco Polo to the present, mention slavery, but no one of them, so far as I know, gives its legal or social status or attempts to give any idea of the extent to which it prevails.

In view of the fact that China, with her vast population, is assuming more intimate relations with the rest of the world, and in view of the increasing number of her people who are now going out into other countries, and of the swarms that may go in the future seeking labor, carrying with them their civilization and its institutions, I have thought this subject of sufficient importance to the people and the Government of the United States to warrant its thorough investigation and a report thereupon to the department.

HISTORY OF CHINESE SLAVERY.

Slavery existed in the earliest period of Chinese history, but there, as in foreign works on China, nothing is said as to its origin or development.

It may have originated here as with all people in their primitive stages, in subjugation and conquest, or it may have sprung entirely from the organization of the Chinese family.

This patriarchal family system gives the head of the family absolute power over every member. It makes him the arbiter of the liberty and lives of all its members. He may chastise, mortgage, sell, or even kill any or all of them.

The maxim is that "as the Emperor should have the care of a father for his people, a father should have the power of a sovereign over his family" (Davis "The Chinese," vol. 1, page 288).

To fully understand this maxim it must be borne in mind that the Chinese idea of a sovereign is that of an absolute one, with no limit or restraint to his acts, but the bounds of human endurance.

V. Möllendorf, in an essay on Chinese family law, page 18, says:

> As was the rule according to the Roman law of the time before Justinian, all persons who depend on a *pater familias*, either grandfather, father, uncle, mother, or husband, stand in China under *patria potestas;* such persons are therefore either the wives and daughters or more distant descendants on the male line.
>
> The *patria potestas* is the same as the *domini potestas*, the power of the master over his slaves according to the ancient Roman law. The *patria potestas* over children, whether legitimate or adopted, is unlimited.
>
> The father can do with them as he likes; he may not only chastise, but even sell, expose, or kill them.

The absolute power of the head of the family is therefore such that it amounts to slavery.

It has become a custom for the poor to mortgage or sell their children to the rich, conditionally or absolutely in great numbers under this law.

> "According to its nature the *datio in adoptionem* is, properly speaking, a sale (*venditio*) to which only the consent of the *pater familias* is required." (See V. Möllendorf's Family Law of the Chinese, page 22.)

This is the testimony of nearly all those who have written of China. Van Möllendorf, quoted above, says that E. H. Parker, of the British consular service, estimates that fifty per cent. of all families in China have children that have been acquired from other families by adoption, or, to designate it more specifically, by purchase.

> "As the adoption of children and the purchase of inferior wives, or concubines, is a transaction of constant occurrence and one in which the real parents lawfully may, and usually do, receive a pecuniary consideration, it can scarcely be denied that the sale of children in China is practically allowed." (Note in section cclxxv, Staunton.)

The title of property in these children is contained in a bill of sale duly signed and sealed and in which the same term is used as in the purchase of horses, cows, or any other species of property.

> "The Chinese use the same term to indicate the sale and the purchase of children and wives, that they use when speaking of the sale and purchase of land, cattle, or any description of property." (Doolittle's Social Life Among the Chinese, vol. 1, page 209.)

I am inclined to believe that, although the origin of Chinese slavery may have been by capture in war, the same as in all barbarous ages of races of people, it owes its existence and character, at the present time, to this patriarchal family system; but for this, as the race advanced in

civilization and wars ceased, and the arts of peace were cultivated, and laws for the preservation of life, property, and the rights of the individual subject were framed, slavery, as originated by capture, must have died out.

Dr. Williams, in the "Middle Kingdom," in vol. 1, pages 296, 297, and 298, shows the extent and power of these patriarchal institutions of China, and by what influences of the state and of education they have been perpetuated and strengthened.

Under this absolute family law, where a country is overpopulated and where the imperative demands of consumption press the possibilities of production to the extreme, where large masses of the people are but a step from starvation, and where there is such a great difference in the conditions of classes of people, the necessities of the poor and the inclinations of the rich would make the absolute and conditional sale of people not only possible but probable—in fact such is the daily result.

I may here quote Du Holde, vol. 1, page 277, where he says:

"Misery produces a prodigious multitude of slaves, or rather persons who mortgage themselves, with a condition of redemption—a thing very common with the Chinese—for among the Tartars they are truly slaves.

"A great number of men and maid servants are so bound in a family, though there are some to whom they give wages as in Europe.

"A man sometimes sells his son and even himself and his wife, at a very moderate price; but if he can, he chooses to pawn his family only. It often happens that a great Tartarian mandarin or Chinese tartarized (that is, listed under Tartar banner), who has a parcel of slaves for his servants, is himself a slave to some court-lord, to whom from time to time he makes a present of considerable sums. A poor Chinese, when he gives himself to a Tartarian prince, if he has merit, may hope to be a great mandarin very soon; but this is not so common under the present dynasty as formerly. If he be deprived of his office he returns to his master to serve in certain honorable functions.

"When rich folks marry their daughters they give them several families of slaves in proportion to their wealth."

The head of the family may justify the absolute sale of a member by the fact that the person, as the well-fed and clothed slave of a rich family, is better off than as a freeman, where he daily feels the gnawings of hunger and shiverings of cold for want of the commonest food and clothing.

Whatever may be the justification sought for by the individual parties to such sales and purchases, and by a government which allows such practices, the facts are that, so far as all history goes, slavery, by sale and mortgage, has always existed and now exists in all parts of China.

CHARACTER OF CHINESE SLAVERY.

There are four distinct classes of slaves:

1. Slaves of the imperial household.
2. Concubines.
3. Slaves held for labor.
4. Slaves held for purposes of prostitution.

The persons of the first class are eunuchs, and used exclusively in the imperial families. It is prohibited by law for any other persons to buy, rear, or use this class of persons.

Section 379 of the penal code of China, as translated by Sir George Thomas Staunton, reads:

No private individual nor any officer of government, excepting only the princes of the imperial family, shall presume to educate castrated children in order to their being employed as eunuchs in their domestic establishments. Every breach of this law shall be punished with 100 blows, and perpetual banishment to the distance of 3,000 li; and the castrated children shall be sent back to the families whence they were taken or to which they belonged.

Mr. Steut of the imperial customs service, who has resided in Peking for some years, in a paper on eunuchs, read before the Asiatic Society in 1877, gives an account of this class :

In China, as elsewhere, eunuchs are, in general, made in order to qualify them to act as palace servants, and occasionally as palace executioners. They may be kept only by certain members of the imperial family, and in the palaces of the eight hereditary princes whose ancestors assisted in establishing the present dynasty. The emperor has 3,000 in his service, exclusive of 18 castrated lamas, who act as domestic chaplains. Each prince of the blood and imperial princess is obliged to maintain 30, and so on through the different grades, the number diminishing as the distance from the head of the reigning house increases.

Every fifth year each prince supplies eight young eunuchs for the palace, but as this contribution does not by any means meet the demand, the general public is called on to send in adults or adolescents as candidates for the painfully-acquired honor of palace employment. As a matter of fact, there is no dearth of persons willing to submit to castration. Boys are compelled by their parents to offer themselves, while, as to adults, men who are at once poor and lazy, are tempted by the certainty of an assured income, with little or nothing to do for it, and men with a peculiar form of ambition are seduced by the mystery and importance of the duties supposed to be confined to eunuchs.

Thus it happens that at the present moment some of the eunuchs in Peking have wives and families. But when a eunuch dies, he is buried, not with his family, whether he has one of his own or not, but in a place specially set apart, whither, every spring and autumn, a body of eunuchs repairs to offer those sacrifices which, in the ordinary course of life, are offered by children to the manes of their fathers.

In former times this class was an important class of persons. They had a large part in the control of the government. Under some of the emperors they had the entire control of affairs. They formed conspiracies for the assassination of ministers, heirs to the throne, and even of emperors, which were sometimes successful. Under the Tartar rule, however, they have not been able to exercise much influence, but, from their positions within the imperial palaces, they may at any time be the cause of important changes.

The second class—concubines.

This is a numerous class; every man who is able to buy and maintain has one or more concubines. These are invariably the subject of bargain and sale; and, as quoted above from Doolittle, there is a regular bill of sale given, and the term "sale" is used.

Davis, in "The Chinese," vol. I, page 288, says :

A man is even able to sell his children for slaves, as appears from constant practice. How completely the children of concubines pertain to the lawful wife is proved by this passage in the drama of "An heir in old age," where, in addressing his wife, the old man says, "Seaon-mei is now pregnant; whether she produces a boy or a girl, the same will be your property; you may then hire out her services or sell her, as it best pleases you." The handmaids are in fact only domestic slaves.

The buying of young girls of poor people, and rearing and educating them to be sold as concubines, is an extensive business.

The cities of Yangchow and Suchow are famous for furnishing great numbers of concubines, for which purpose they bring up good handsome young girls, whom they buy up elsewhere; teaching them to sing, to play on music, and, in short, all sorts of accomplishments belonging to young gentlewomen, with a view to disposing of them at a good price to some rich mandarin (Du Holde, vol. I, page 305). A concubine is always a subject for sale or hire, with the exception, however, that if the original bill of sale stipulated that she is sold only to be used as a concubine, she cannot be sold to be a labor slave or to be a prostitute.

She has no voice in the management of the house; she cannot control her own children; she is not only a slave to the passions of her master,

but she is a slave to the envy, jealousy, and hatred of the wife of the master.

She may be chastised by either, and may be made to do household work. This is what she is liable to. Her ordinary lot is, however, far different. If her master is rich she is dressed finely, loaded with jewelry, has several servants, usually slaves, at her service, and has a far easier life than the wife of the house.

There are no limits to the supply of female children for this purpose. The poor are anxious that their female children, when sold, shall become concubines rather than labor-slaves or prostitutes. This desire, no doubt, arises in part from the natural parental solicitude that their offspring may be happy and prosperous, but in part also from the fact that, as a concubine of a rich man, she can help her poor relatives.

The Emperor sets the example, and creates the fashion for his people in this matter.

Williams, in his "Middle Kingdom," vol. I, page 318, says:

> Every third year His Majesty reviews the daughters of the manchu officers, over twelve years of age, and chooses such as he pleases for concubines. There are only seven legal concubines, but an unlimited number of illegal.

In all parts of China large numbers of the poor people either strangle, expose, or sell their female children at birth. It is said by Doolittle, Abeel, Barrow and Bowring that this practice prevails to a frightful extent.

A writer in the China Review, vol. 2, page 55, July, 1873–June, 1874, estimates that of the entire number of female children born in certain provinces, twenty-five per cent. are thus disposed of. Many girls are sold at a later age when they begin to develope uncommon beauty of features or forms.

The third class, that of general slaves,

is also numerous. Wherever in the empire there is poverty and wealth, there children are sold and bought. The females in this class largely preponderate.

Male children cannot be so readily bought; they are more profitable to the parents to keep; there is a wide field of labor awaiting them at higher pay. They cost no more to rear, and they perpetuate the family name, watch and care for the family tombs, and burn incense and worship before the ancestral tablets.

A daughter, on the other hand, costs just as much to rear and educate as a son; when she marries she has to carry clothing, furniture, and presents with her, and she takes and perpetuates the name of another clan, and worships before other ancestral tablets; therefore, she is not desired, and is to be gotten rid of as a burden. If there have been three or four sons before, then a male child may be exposed or sold or given away at birth. It is, however, in after years, when poverty has reduced the family to extreme distress, that the sons, wives, concubines, and even the head of the family, are mortgaged or sold. Male and female slaves labor in the fields, especially in the cotton, tea, rice, and silk districts; others are used in the manufacture of various goods; large numbers of all ages may be seen in the cities at all trades; many are expert mechanics; some bound till certain debts are discharged, others for life.

I am informed by good Chinese authority that almost every house of any wealth has several female slaves as house servants.

Inasmuch as the *pater familias* can transfer his absolute authority,

"the authority of the master over his slave," with the person, and inasmuch as the person so transferred owes all the obedience and respect to the new *pater familias* that he did to the old, there is little resistance as a slave.

In case there is, the law assists the master in enforcing obedience and respect; and, at the request of the master, will inflict punishment or assist in reclaiming fugitives; there is abundant proof of this in the penal code of China, before quoted, viz: section CXVI:

> If a female slave deserts from her master's house she shall be punished with 80 blows; or with 100 blows if she contracts a marriage during such absence; and in both cases she shall be restored to her master.
>
> Whoever harbors a fugitive wife or slave or marries them, knowing them to be fugitives, shall participate equally in their punishment, except in capital cases, when the punishment shall be reduced one degree.

The slave is bound under the severest penalties to be respectful and obedient to his master and his family.

Same code, section cccxxvii:

> A slave guilty of addressing abusive language to his master shall suffer death by being strangled at the usual period. If to his master's relations in the first degree, he shall be punished with eighty blows and two years' banishment. If to his master's relations in the second degree, the punishment shall be eighty blows. If in the third degree, seventy blows. If in the fourth degree, sixty blows. In these cases, as well as in others, the abusive language must have been heard by the person to whom it was addressed, and such person must always be the complainant.

The master's right of property or interest in the slave seems to have been in view in this last paragraph, as he need not complain. If the slave is valuable, and he does not wish to lose him or his services for a time, he may, by virtue of the *patria potestas*, punish him to any degree.

Same code, section cccxiv (part 8):

> The master or the relations of the master of a guilty slave may, however, chastise such slave in any degree short of occasioning his death without being liable to punishment; nevertheless, if a master or his aforesaid relations, in order to correct a disobedient slave or hired servant, should chastise him in a lawful manner on the back of the thighs or on the posteriors, and such slave or hired servant happen to die, or if he is killed in any other manner accidentally, neither the master nor his aforesaid relations shall be liable to any punishment in consequence thereof.

The penalty for using violence to the master or his family is the severest known to the Chinese law. The first five paragraphs of the penal laws in section cccxiv read:

> 1. All slaves who are guilty of designedly striking their masters shall, without making any distinction between principals and accessories, be beheaded.
>
> 2. All slaves designedly killing, or designedly striking so as to kill, their masters, shall suffer death by a slow and painful execution.
>
> 3. If accidentally killing their masters, they shall suffer death by being strangled at the usual period.
>
> 4. If accidentally wounding, they shall suffer one hundred blows and perpetual banishment to the distance of 3,000 li; not being allowed, as under similar circumstances in ordinary cases, to redeem themselves from punishment by a fine.
>
> 5. Slaves who are guilty of striking their master's relations in the first degree, or their master's maternal grandfather or grandmother, shall be strangled at the usual period. If more than one are concerned the principal shall be strangled, and the rest suffer the punishment next in degree. All slaves who strike so as to wound such persons shall, without distinction between principals and accessories, be beheaded at the usual period.

This slow and painful execution mentioned is better known as the "slicing process" of execution, or "the 10,000 cuts." Foreigners have witnessed it, and the description is too horrible to recite.

Several sections of the penal code seem intended to separate the slave

and free classes, as far as possible. It provides severe penalties for inducing a free person to marry a slave, viz (section cxv):

If any master of a family solicits and obtains in marriage for his slave the daughter of a freeman, he shall be punished with 80 blows; the member of the family who gives away the female in marriage shall suffer the same punishment, if aware that the intended husband is a slave, but not otherwise.

A slave soliciting and obtaining a daughter of a freeman in marriage shall also be punished in the same manner, and if the master of the slave consents thereto, he shall suffer punishment less by two degrees; but if he moreover receives such freewoman into his family as a slave he shall be punished with 100 blows. Likewise whoever falsely represents a slave to be free and thereby procures such slave a free husband or wife, shall suffer 90 blows. In all these cases the marriage shall be null and void, and the parties replaced in the ranks they had respectively held in the community.

The master is protected against any breach of trust or confidence placed in the slave as a domestic.

Section ccclxx reads:

All slaves or hired servants who have been guilty of a criminal intercourse with their master's wife or daughter shall be beheaded immediately after conviction. When guilty of a criminal intercourse with their master's female relations in the first degree, or with the wives of the male relations of their masters in the same degree, they shall be strangled after remaining in prison the usual period. In the above cases the punishment of the woman, if consenting, shall be less only by one degree. When guilty of a criminal intercourse with their master's more distant female relations, or with the wives of his more distant male relations, they shall be punished with 100 blows and perpetual banishment to the distance of 2,000 li. If guilty of committing a rape upon the latter persons, they shall be beheaded after remaining in prison the usual period; except in the cases of rape, the punishment of a criminal intercourse with any of the inferior wives shall generally speaking be less than in the case of principal wives by one degree.

And section ccclxxiii reads:

A slave who is in any way guilty of a criminal intercourse with the wife or daughter of a freeman, shall be punished at the least one degree more severely than a freeman would have been under the same circumstances. On the contrary, the punishment of a freeman for having criminal intercourse with a female slave shall be one degree less than in ordinary cases. When both parties are slaves, the criminal intercourse shall be punished in the same manner as in the case of free persons.

On the other hand, any offense against a slave by freemen is less severely punished than when it is committed against free persons. Doolittle, in "A Social Life among the Chinese," Vol. II, page 211, says:

The descendants of slaves are admitted to literary examination, which shows that it is not considered to be so degrading to be a slave as some other callings—that of actors, for instance, whose descendants for four generations are not allowed that privilege.

The same work and volume, pages 211 and 212, gives some prices for which persons were sold, which came under the observation of the author:

The sole reason in this part of China considered sufficient to justify the sale of a child to be the slave of another, or of a wife to be the wife of some other man, is the excessive poverty of parents or husband, without friends able and willing to aid. The price varies according to the age, sex, appearance of the child, the character and the age of the wife, the dearness of provisions, &c., from a few dollars to several tens or a hundred or two.

In the year 1858, a man at Fuchow sold his wife for about $20. Another man, about the same time, offered his only son, a bright lad of five or six years, for sale for $16; he was offered $10 by a man who wished to adopt him for his son; which offer he refused. Several years since, a lad who had been attending a missionary free school in this place (Fuchow) was sold by his mother to be play-actor. A friend saw a girl of about sixteen or seventeen years old, not a year ago, offered for sale for $100 by her parents, who had brought her from her native place, some eighty or one hundred miles to the south of this. A bright girl of about twelve years old was sold by her parents not long ago for about forty thousand cash ($40).

A writer it the China Review, vol. 2, page 55, says:

A female infant is worth but 100 cash or 10 cents, while a healthy boy two or three days old will fetch $15.

The 4th class—Prostitutes.

Of this class there is little to be said, as all the laws applicable to slaves generally apply with full force to them.

They are a numerous class, and are to be found anywhere in the small country villages as well as in the larger cities. They form no inconsiderable per cent. of the whole population. They are all at the commencement of their career slaves.

They are either rescued when exposed by their poor parents at birth, or bought later in life for the purposes of prostitution.

The law, or custom older than any existing law, permits such traffic. It only interferes to prevent a girl who has been bought for a wife, concubine, or labor slave, from being used for purposes of prostitution; and in violation of this prohibition the number of blows is no more than for a petty theft.

In the crowded streets of cities, and in the more thinly-settled country regions, fine-looking female children are kidnapped and carried to distant places, and sold to be raised for those vile purposes. Even grown women, wives and young mothers, are carried away and sold. Persons charged with the offense of kidnaping are often before the courts.

Children are bought by members of the prostitute class and reared with a view of making the most money out of them. They are consequently well fed, and many of the female accomplishments, such as vocal and instrumental music, taught them; they are not overworked in childhood, as that would make them coarse and masculine.

When from twelve to fourteen years of age the physical part of their occupation commences, the moral development having been going on from infancy from their daily surroundings. For years after the age of puberty they are a source of income to their owners, and when, from advancing age, they are no longer attractive, they are allowed to emancipate themselves at a small price, and they soon manage to buy two or three small girls and then rear them.

And so the system ever revolves—the bond-woman becoming free only to become the owners of the bound. Although the treatment of these little children is good so far as food and work is concerned, many of them are unmercifully beaten by their owners. The whole system is such as to develop all the worst traits of human character; hence it would be difficult to imagine a more depraved and vicious class of people.

NUMBER OF SLAVES.

Class No. 1. *Eunuchs.*—From the use of this class being confined to the imperial families, it is not believed that there are more than 20,000 in the empire.

Class No. 2. *Concubines.*—It is impossible to arrive at anything like an accurate estimate of the numbers of this class, as all the men of all the classes, who are able, have one or more concubines, and, as they can be purchased and maintained cheaply, it is within bounds to say that one head of a family in five practices concubinage, and a man with moderate wealth may have two or three or even more. I therefore conclude that there are one-fourth as many concubines as families. If the basis of calculating the number of familes be assumed to be the same as with us, and the population estimated at 300,000,000, there are 60,000,000 families in China. Therefore, from the above, there must be 15,000,000 concubines in the empire, all property—bought as such, held as such, and liable to be sold as such.

Class No. 3. Labor slaves.—I have no figures by which to arrive at the numbers of this class. I am compelled to rely entirely upon the opinions of the most intelligent natives whom I can reach. They estimate that one family in five hold slaves, and, as the richer people have several, I have concluded that the labor slaves are one-fourth as many as the number of families, or 15,000,000. It is very probable that those sold permanently and those mortgaged temporarily are many more than this number.

Class No. 4. Prostitutes.—In a recent decision of Sir John Smale, chief justice of the supreme court of the British colony of Hong-Kong, he says that in a population of 120,000 Chinese in that colony there are at least 10,000 slaves, and that some people estimate the number at 20,000.

There is therefore at least one slave to every eleven freemen in that British colony in spite of laws prohibiting slavery.

I have no other data from which to estimate the numbers of this fourth class. I am of opinion, however, that this class considerably outnumbers the second class through the whole empire, and, in summing up these estimates, I conclude that in all there are from forty to fifty million slaves of all classes in China.

The first and second classes are composed of persons of some intelligence and moral character, judged by the Chinese standard.

The third and fourth classes are illiterate, immoral, and miserable creatures.

It would be difficult to imagine people more hopelessly situated than the 30,000,000 of these two classes. They are so inextricably bound, that usually the only hope for release from their misery and degradation is in death.

To recapitulate:

1. Slavery does now and has prevailed extensively in China through her whole historic period.

2. That the present slavery of China has grown out of the patriarchal family organization.

3. That the law of the Chinese family gives the *pater familias* absolute power and control over the members of the family.

4. That this power and authority are transferrible by mortgage or sale, and can be exercised when so transferred as by the original head of the family.

5. That the slaves of China are divided into four classes, and that these four classes comprise one-sixth of the whole population of the empire.

6. That, judging from the result of thirty-seven years' experience by the British authorities in Hong-Kong, there is vitality and strength enough in the Chinese family law and in the system of Chinese slavery to enable them to defy foreign laws and courts even in foreign countries.

DAVID H. BAILEY,
Consul-General.

SECTION CXV.

If any master of a family solicits and obtains in marriage for his slave the daughter of a freeman, he shall be punished with 80 blows; the member of the family who gives away the female in marriage shall suffer the same punishment, if aware that the intended husband is a slave, but not otherwise.

A slave soliciting and obtaining a daughter of a freeman in marriage shall also be punished in the same manner, and if the master of the slave consents thereto, he shall

suffer punishment less by two degrees; but if he moreover receives such free woman into his family as a slave, he shall be punished with 100 blows. Likewise, whoever falsely represents a slave to be free and thereby procures such slave a free husband or wife, shall suffer 90 blows.

In all these cases the marriage shall be null and void, and the parties replaced in the ranks they had respectively held in the community.

SECTION CXVI.

If a female slave deserts from her master's house, she shall be punished with 80 blows, or with 100 blows if she contracts a marriage during such absence, and in both cases she shall be restored to her master.

Whoever harbors a fugitive wife or slave or marries them, knowing them to be fugitives, shall participate equally in their punishment except in capital cases, when the punishment shall be reduced one degree. The marriage present in all such cases is forfeited to government.

When, however, the person harboring or marrying the fugitive is really ignorant of her criminality, he shall not be subject to any punishment and shall even be entitled to demand the return of the marriage present.

SECTION CCLXXII.

If hired servants or slaves steal from their masters or from each other, the punishment shall be one degree less severe than in ordinary cases of theft, and the thief shall not be branded.

NOTE.—Notwithstanding the tenor of this article, it is provided in one of the supplementary clauses that the punishment of slaves guilty of theft shall be at the least equal to that of thieves in general, and one degree more severe when the offense is committed by them in combination with strangers.

SECTION CCXCIV.

Whoever is guilty of killing his son, his grandson, or his slave, and attributing the crime to another person, shall be punished with 70 blows and one and a half year's banishment.

And slave attributing, previous to burial, the death of his master to a person innocent thereof, shall, if aware of the falsehood of the imputation, be punished with 100 blows and three years' banishment.

SECTION CCCXIII.

A slave striking a freeman shall, proportionally to the consequences, be punished one degree more severely than is by law provided in similar cases between equals. If the blow produces entire disability and incurable infirmity, the offender shall be strangled. If death ensues, the offender shall be beheaded.

A freeman striking a slave shall in like manner be punished less severely by one degree than in the ordinary cases of the same offense; but in the case of the death of a slave in consequence of the injury received, and in the case of a slave having been killed designedly, the offender shall be strangled. Slaves striking, wounding, or killing one another shall be punished as already provided in ordinary cases between equals.

In cases of stealing and other similar offenses between free persons and slaves, the law of diminution and aggravation of punishment shall not take effect.

Striking the slave of a relation in the third or fourth degree, but without producing a cutting wound, shall not be punishable. If the blow produces any greater injury short of occasioning death, the punishment shall be two degrees less severe than in ordinary cases.

Striking the slave of a relation in the second degree shall be punished three degrees less severely than in ordinary cases. If in either case the blow occasion death, the offender shall be punished with 100 blows and three years' banishment; if the blow prove mortal and has likewise been struck with an intention to kill, the offender shall suffer death by being strangled.

In the case of killing accidentally, no punishment shall be required.

Striking the hired servant of a relation in the third degree, without producing a cutting wound, shall not be punished.

SECTION CCCXIV.

All slaves who are guilty of designedly striking their master shall, without making any distinction between principal and accessories, be beheaded.

2. All slaves designedly killing, or designedly striking so as to kill, their masters, shall suffer death by a slow and painful execution. If accidentally wounding, they shall suffer 100 blows and perpetual banishment to the distance of 3,000 li; not being allowed, as under similar circumstances in ordinary cases, to redeem themselves from such punishment by a fine.

NOTE.—This part of the law denouncing punishment even in cases which are admitted to have been purely accidental is in some degree modified in the supplemental clauses.

Slaves who are guilty of striking their master's relations in the first degree, or their master's maternal grandfather or grandmother, shall be strangled at the usual period. If more than one are concerned, the principal shall be strangled and the rest suffer the punishment next in degree.

All slaves who strike so as to wound such persons shall, without distinction between principals and accessories, be beheaded at the usual period.

3. If accidentally killing, the punishment shall be two degrees less severe than in the case of intentionally striking such person. If accidentally wounding, the punishment shall be another degree less severe than in the case of intentionally striking.

All slaves who are concerned in the crime of designedly killing such persons shall suffer death by a slow and painful execution. A slave who is guilty of striking, or striking and slightly wounding, his master's relations in the fourth degree, shall be punished with 60 blows and one year's banishment. If guilty of striking his master's relations in the third degree, he shall be punished with 70 blows and banishment for a year and a half. If guilty of striking his master's relations in the second degree, the punishment shall be 80 blows and two years' banishment.

4. If a slave is guilty of striking any of his master's relations in the fourth degree so as to produce a severe cutting wound, the punishment shall be one degree more severe than it would have been if he had so wounded a free person in ordinary cases. In the case of a master's relation in the third degree, two degrees more severe; and in the case of a master's relation in the second degree, three degrees more severe.

5. If, by these augmentations the punishment in any case become capital, the offender shall be strangled at the usual period; but if the wound occasion death then, whether there was originally a design to kill or not, all the slaves concerned shall be beheaded.

6. If in a case of a slave having been guilty of theft, adultery, or any other similar crime, his master, or some one of his nearest relations in the first degree, or his master's maternal grandfather or grandmother, instead of complaining to a magistrate privately beats to death such slave, the person who so offends shall be punished with 100 blows.

7. If any such person as aforesaid beats to death or intentionally kills a slave belonging to his family, who had not been guilty of any crime, the person so offending shall be punished with 60 blows and one year's banishment; and the wife or husband as well as the children of such deceased slave shall be thereupon entitled to their freedom.

8. The master or relations of the master of a guilty slave may, however, chastise such slave in any degree short of occasioning his death, without being liable to punishment.

Nevertheless, if a master, or his aforesaid relations, in order to correct a disobedient slave or hired servant, should chastise him in a lawful manner on the back of the thighs or on the posteriors, and such slave or hired servant happen to die, or if he is killed in any other manner accidentally, neither the master nor his aforesaid relations shall be liable to any punishment in consequence thereof.

SECTION CCCXXVII.

A slave guilty of addressing abusive language to his master shall suffer death by being strangled at the usual period.

If guilty of addressing abusive language to his master's relations in the first degree he shall be punished with eighty blows and two years' banishment. If addressing abusive language to his master's relations in the second degree, the punishment shall be eighty blows; if in the third degree, seventy blows; if in the fourth degree sixty blows.

In these cases, as well as others, the abusive language must have been heard by the person to whom it was addressed, and such person must always be the complainant.

SECTION CCCLXX.

All slaves or hired servants who have been guilty of a criminal intercourse with their master's wife or daughters shall be beheaded immediately after conviction; when guilty of a criminal intercourse with their master's female relations in the first degree, or with the wives of the male relations of their master in the same degree, they shall be strangled after remaining in prison the usual period. In the above cases the pun-

ishment of the woman, if consenting, shall be less only by one degree. When guilty of a ciminal intercourse with their master's more distant female relations, or with the wives of his more distant male relations, they shall be punished with 100 blows and perpetual banishment to the distance of 2,000 li.

If guilty of committing a rape upon the latter persons, they shall be beheaded after remaining in prison the usual period; except in the cases of rape the punishment of a criminal intercourse with any of the inferior wives shall, generally speaking, be less than in the case of principal wives by one degree.

SECTION CCCLXXIII.

A slave who is in any case guilty of a criminal intercourse with the wife or daughter of a freeman shall be punished at the least one degree more severely than a freeman would have been under the same circumstances.

On the contrary, the punishment of a freeman for having criminal intercourse with a female slave shall be one degree less than in ordinary cases.

When both parties are slaves, the criminal intercourse shall be punished in the same manner as in the case of free persons.

SECTION CCCLXXIX.

No private individual nor any officer of government, excepting only the princes of the imperial family, shall presume to educate castrated children in order to their being employed as eunuchs in their domestic establishments. Every breach of this law shall be punished with one hundred blows and perpetual banishment to the distance of three thousand li; and the castrated children shall be sent back to the families whence they were taken or to which they belonged.

NOTE.—The number of eunuchs employed within the precincts of the imperial palace has ever been considerable; and from the access they must necessarily have at all times to the sovereign, in the capacity of his domestic servants, it is not improbable that they may still continue to exert some degree of undue influence; it does not, however, appear that they are ever likely to enjoy, under a Tartar dynasty, that exclusive and dangerous confidence which, while the government was in the hands of native princes, was sometimes reposed in them.

SECTION CCLXXV.

The offense of entrapping and carrying off for sale, or persuading to come away voluntarily for the same purpose, the lawful slave of any person, shall be punished one degree less severely than that of kidnaping a free person under similar circumstances.

Any person who sells his children or grandchildren against their consent shall be punished with eighty blows.

NOTE.—Although it would appear from this restriction that the power of a parent over a child, according to this code, is much less extensive than that allowed by the ancient Romans, yet as the adoption of children and the purchase of inferior wives or concubines is a transaction of constant occurrence, and one in which the real parents lawfully may, and usually do, receive a pecuniary consideration, it can scarcely be denied that the sale of children in China is practically allowed.

NOTE.—It is to be observed, indeed, that the slavery which is recognized and tolerated by the laws of China is a mild species of servitude and perhaps not very degrading in a country in which no condition of life appears to admit of any considerable degree of personal liberty and independence.

Mr. Bailey to Mr. Payson.

No. 48.] UNITED STATES CONSULATE-GENERAL,
Shanghai, October 21, 1879. (Received Nov. 29.)

SIR: Referring to my dispatch No. 47, dated October 21, relating to "*slavery in China*," I have the honor to inclose herewith a copy of section cclv of the penal code of China, as translated by Sir George Thomas Staunton, Bart., F. R. S., which is the only translation ever made, and which is accepted as accurate and authoritative.

As my dispatch No. 47 did not attempt to treat of penal servitude, I did not transmit this section with the inclosures relating to slavery.

It is, however, of so much importance at this juncture of Chinese emigration to the United States, and relates so forcibly to the question of the citizenship of this class of emigrants, that I have thought it my duty to transmit it with a special dispatch for the information of the department.

In this connection I have to remark that the patriarchal organization of society in China is such as to make the enforcement of this law easy and effective. The elder member of the family, the *pater familias*, has almost unlimited control and power over every member of the family, and he is held to a close accountability for the actions of all members of his family; not only is *he* held, but every other member of that family has a responsibility in the matter of the actions of all the other members, and is held accountable for their conduct to a certain degree.

The whole system of family relations is so interlocked in domestic life and interwoven with duties and obligations to the state, that it may almost, if not quite, be said that one is responsible for all and all are responsible for one, in all the different branches of the family, even to remote degrees and to remote countries.

The whole Chinese philosophy inculcates this absolute power of the *pater familias* over all the members of the family to the farthest degree, the duty of the most implicit obedience due by them to the head of the family, and of the accountability of all members of the family, as well as the head, for the conduct of any one of the family.

When a Chinese subject goes out to any other country, all the other members of his family remaining in China are so many hostages that he will return, and that he will maintain his allegiance to his country.

The horrible punishment which may lawfully be inflicted on these hostages is sufficient to account for the rarity of instances of naturalization which has occurred in the history of Chinese emigration to the United States. This is the text and the theory of the law, and no doubt has been the practical operation of the law for ages.

I do not assert that the full vigor of this section of the penal code has not been modified by the contact of China with western nations and modern ideas in the last two or three decades.

I believe that foreign intercourse with China is gradually effecting great changes, and will in time remove many of the objectionable and repulsive features of her practices and systems; but that change will be very slow, very methodical, for the whole Chinese fabric of society and government is surrounded by so much that is hallowed by tradition, experience, the long duration of the empire, the teachings of her sages and philosophers, as to make her people the most inapt of all people to believe in the efficacy of modern ideas and a new civilization.

I have, &c.,

DAVID H. BAILEY,
Consul-General.

Hon. CHARLES PAYSON,
Third Assistant Secretary of State, Washington, D. C.

[Inclosure in No. 48.]

PENAL CODE OF CHINA.

[*Translated by Sir* GEORGE THOMAS STAUNTON, *Bart., F. R. S.*]

SECTION CCLV.—RENUNCIATION OF ALLEGIANCE.

All persons renouncing their country and allegiance, or devising the means thereof, shall be beheaded; and in the punishment of this offense, no distinction shall be made between principals and accessories.

The property of all such criminals shall be confiscated, and their wives and children distributed as slaves to the great officers of state.

Those females, however, with whom a marriage had not been completed, though adjusted by contract, shall not suffer under this law; from the penalties of this law, exception shall also be made in favor of all such daughters of criminals as shall have been married into other families. The parents, grand parents, brothers and grandchildren of such criminals, whether habitually living with them under the same roof or not, shall be perpetually banished to the distance of 2,000 li.

All those who purposely conceal and connive at the perpetration of this crime shall be strangled.

Those who inform against and bring to justice criminals of this description shall be rewarded with the whole of their property.

Those who are privy to the perpetration of this crime and yet omit to give any notice or information thereof to the magistrates shall be punished with 100 blows, and banished perpetually to the distance of 3,000 lee.

If the crime is contrived, but not executed, the principal shall be strangled and all the accessories shall each of them be punished with 100 blows and perpetual banishment to the distance of 3,000 li.

If those who are privy to such ineffective contrivance do not give due notice and information thereof to the magistrates, they shall be punished with 100 blows and banished for three years.

All persons who refuse to surrender themselves to the magistrates when required, and seek concealment in mountains and desert places in order to evade either the performance of their duty or the punishment due to their crimes, shall be held guilty of an intent to rebel and shall therefore suffer punishment in the manner by this law provided. If such persons have recourse to violence and defend themselves when pursued, by force of arms, they shall be held guilty of an overt act of rebellion, and punished accordingly.

Mr. Bailey to Mr. Payson.

No. 59.] UNITED STATES CONSULATE-GENERAL,
Shanghai, 2d December, 1879. (Received January 7, 1880.)

SIR: Referring to my dispatch No. 47 of 20th October, 1879, covering a paper on the subject of "Chinese slavery," I now have the honor to transmit herewith some documents, in print, extracted from the Hong-Kong and Shanghai newspapers, relating, to the same subject.

Inclosure No. 1 is the decision of Sir John Small, chief justice of the supreme court of Hong-Kong, and shows that as long ago as January, 1845, the British Government notified all residents of that colony by a royal proclamation that—

> Whereas the acts of the British Parliament for the abolition of the slave trade and for the abolition of slavery extend by their own proper force and authority to Hong-Kong, this is to apprise all persons of the same, and to give notice that these will be enforced by all Her Majesty's officers, civil and military, within this colony.

That at the present time there are at least 10,000 slaves in the colony, and that the trade in human chattels has been continuously carried on under the very eyes of the officials, and that posters can be seen daily in public places offering rewards for the return of fugitive slaves.

Inclosure No. 2 is an editorial from the Hong-Kong Daily Press upon this decision.

Inclosure No. 3 is an extract from a recent editorial in the North China Daily News upon the same decision, and contains some references to the family law of China, confirmatory of my expressed opinion that the basis of this slavery is exclusively the patriarchal family organization.

Inclosure No. 4 is a memorial by more than ten thousand of the Chinese gentry, merchants, and other people of Hong-Kong, to the governor of that colonly, praying that the British laws relating to the slave trade and slavery be not enforced in Hong-Kong. This petition contains the most complete and convincing proof of all the views set forth in my

paper on that subject, and will render nugatory all denials of the existence and prevalence of slavery in China, or any apology or vindication relating to its character.

Inclosure No. 5 is an editorial from the Hong-Kong Daily Press upon the petition.

I have to remark that this is not a new subject to me, and I would refer the department to my dispatches from Hong-Kong, printed in the Foreign Relations Correspondence, 1871, pages 194 to 221 inclusive, and in 1873, pages 203 to 208 inclusive, together with others on file in the department, for the views I then held upon the subject. What I have since seen and learned only tends to make my convictions stronger that this is real slavery, and that it prevails in every part of the empire and among Chinese wherever they go.

I repeat that Chinese slavery is an outgrowth of the family organization, which, so far as we know, is as old as Chinese society itself.

I see no hope for its abolition here but in the remodeling of the whole family organization—a herculean task beyond the vision of the most advanced Chinese statesman of this generation.

It is significant to note that the colony of Hong-Kong, where it is now settled by a judicial decision of its supreme court and by admissions in solemn memorial of all the leading native residents, that Chinese slavery exists and ever has existed as an essential feature of the Chinese political and social system, is the entrepôt for all the Chinese emigration to the United States. And perhaps it is worth while to query whether that emigration is not thus shown to have in its every lineament the taint of human slavery?

I have the honor to be, sir, your obedient servant,

DAVID H. BAILEY,
Consul-General.

[Inclosure No. 1.]

SUPREME COURT, 6TH OCTOBER.

Criminal sessions.

Before the Hon. Chief Justice, Sir John Smale.

DECLARATION BY THE CHIEF-JUSTICE THAT SLAVERY IN EVERY FORM IN HONG-KONG IS ILLEGAL AND MUST BE PUT DOWN.

Five prisoners were placed in the dock for sentence, having been severally convicted at these sessions of kidnaping a child, of detaining two children with intent to sell them, and of selling and purchasing a child for the purpose of prostitution.

The chief-justice, on taking his seat this morning said: "On the criminal calendar for September, 1879, three cases now by adjournment come on for the court to pass sentence on the prisoners convicted. Case No. 1, R. *v.* Lee A Kau, convicted on the 18th of September last of having (first count) feloniously and unlawfully and by fraudulent means enticed away one A Ngan, a child under the age of 14 years, to wit, 8 years, with intent thereby to deprive one Au A Ho of the possession of such child, on the 21st August, 1879, and (second count) having feloniously detained the same child in the same manner. Case No. 6, R. *v.* Tsang Sz Tau and U Ain, convicted on the 23d of September last on four counts of (1) having detained against his will a boy named Ho Po Sing with intent to sell him in this colony on the 30th May, 1879; (2) fraudulently detaining same boy at same time with intent to sell him; (3 and 4) like charges as to a boy called Yeung Shing. Case No. 9, R. *v.* Keung A To and Li A Kak, convicted on the 20th September last; as to Keung A To, of having purchased a female child named Tiu Heng for the purposes of prostitution in this colony on the 4th March, 1879; as to Li A Kak, of having sold the same child for the same purpose at the said time. Various causes have occasioned delay in passing sentence, of which I will only refer to one—the gravity of the fact that these and other cases

have recently brought so prominently to the notice of the court that two specific classes of slavery exist in this colony to a very great extent, viz, so-called domestic slavery and slavery for the purposes of prostitution. The three cases now awaiting the sentence of the court are specially provided for by ordinances of 1865 and 1872, prohibiting kidnaping and illegally detaining men, women, and children, and no difficulty ever arose in my mind as to the crimes of which these prisoners are severally convicted or as to the sentences due to such crimes, and there is no question as to crimes or punishment of cases where women are smuggled into brothels, some licensed and others unlicensed, or otherwise dedicated to immoral purposes. But the enormous extent to which slavery in this colony has grown up has called into existence a greatly increasing traffic, especially in women and children. The number of Chinamen in this colony has increased and is increasing rapidly, whilst their great increase in wealth has fostered licentious habits, notably in buying women for purposes sanctioned neither by the laws nor customs on the mainland. I hold in my hand a placard in Chinese, torn down from the wall of the Central School, Gough-street steps, in this city. The translation appears at length in the Hong-Kong Daily Press of August 15, 1879. The purport of that translation is shortly that the advertiser, one Cheong, has a purchased slave girl named Tai Ho, aged 13 years. After a full description of the girl, a reward is offered in these terms: 'If there is in either of the four quarters any worthy man who knows where she is gone to, and will send a letter, he will be rewarded with four full weight dollars, and the person detaining the slave will be rewarded with fifteen full weight dollars.' These words are subsequently added: 'This is firm and the words will not be eaten.' I recently spoke in reprobation of slavery from this bench, and in consequence of my remarks a gentleman who tore down this placard gave it to the editor of the Daily Press, and in a letter in that paper he stated that such placards are common, and that he had torn down a hundred such placards.

"Has Cuba or has Peru ever exhibited more palpable, more public evidence of the existence of generally recognized slavery, in these hotbeds of slavery, than such placards as the one I now hold in my hand to prove that slavery exists in this colony? The notices have been posted in a most populous neighborhood and have been in all probability read; they ought to have been, they must have been, read by scores of our Chinese policemen. Important as this colony is politically and commercially, it is but a dot in the ocean; its area is about half that of the county of Rutland; the circumference of this island is calculated at about 27 miles, whilst that of the Isle of Wight is about 56 miles. The cultivated land on this island may be to the barren waste about one-half per cent. and there is no agrarian slavery here in nearly the total absence of farms, and on this dot in the ocean it is estimated that the slave population has reached 10,000 souls! I first became fully alive to the existence of so-called domestic slavery in this colony at the criminal sessions in May last on the trial of two cases. In one case I sentenced two poor, miserable women for detaining a male child aged 13 against provisions of ordinance No. 4 of 1865, sections 50 and 51, to imprisonment with hard labor for 18 months. It appeared that a respectable tradesman in Kowloon gave $17½ for the child and detained him until the friends came from Canton and claimed the child, and then, as against the relatives, he claimed a right to detain the child even against his relatives from whom he had been kidnaped. In the other case, I sentenced a poor, miserable woman for having stolen a female child aged 9 years under ordinance 4 of 1865, section 51, to two years' imprisonment with hard labor. It appeared that one Leung Atuk, the concubine of a compradore in this colony, bought this child for $53 and kept her shut up in a room till the child, looking out of a window upstairs, saw her relative and she was got back only through the intervention of the police. In each of these cases the child kidnaped was bought recklessly by the man and the woman on a guarantee by the sellers, much after the fashion of a guarantee given on the sale of a horse that it was not stolen, each indifferent as to how possession of the child had been obtained. In each of these cases I requested the prosecution of these well-to-do persons, purchasers of these human chattels, who had bought these children, whose money had occasioned the kidnaping just as a receiver of stolen goods buys stolen property without due, or any, inquiry to verify the patent lies of the vendors. I have reason to believe that His Excellency the governor was desirous that my request should, if proper, be complied with, but on reference to former cases it appeared that a former attorney-general had found that the system had been almost, if not altogether, unchecked for many years past, and that in particular when His Exeellency had desired to enforce the rights of a father to recover his child he was not disposed to enforce the right because the father had sold that child. On that precedent and other precedents, also mainly in reliance on two proclamations dated the 1st and 2d of February, 1841, by which the free exercise of their religious rites, ceremonies, and social customs was promised to the Chinese (but this was temporary only, "pending Her Majesty's future pleasure"), the administrator of the government in the absence of the governor was advised not to prosecute these two persons. In one of the cases at these sessions now before me, it was in evidence

that Pao Chee Wan, a very respectable man in this colony, took the child three years ago in pledge for $50, and she remained ever since the servant of Chan Atsoi, one of the few respectable real first wives living in this colony, till she beat the child, who ran away and then was kidnaped. I took the responsibility to direct the acting attorney-general to prosecute this man and his wife. The responsibility rests on the attorney-general, and on him alone, as the law officer of the crown, to institute and prosecute proper proceedings. I understand that this Chinese gentleman and lady have left the colony; their absence is to be regretted, as it prevents the trial of a test case not unfavorable to those who contend that domestic slavery as it exists in Hong-Kong is an institution which ought not to be put down. In this case I consider the service was really domestic, the wife being at its head.

"Time was when the coolie trade was said to be not illegal. Since the Kwok Asing case in 1871, no one has contended that it is legal. No one now claims for kidnapers the right to kidnap men, women, or children, or to buy them, or to detain them when bought with notice of the kidnaping for any purpose. No one now claims the right to purchase or detain females for immoral purposes. But it is said that what is called domestic slavery, as it exists in Hong-Kong, is mild, and it is said to be the opinion of a gentleman of great experience in Chinese that as it exists here it is not contrary to the Christian religion, and that it is as general a fashion for Chinese ladies in Hong-Kong to purchase one or more girls to attend on them as it is for English ladies to hire lady's maids, and that the custom is so general that it would be highly impolitic, if not impossible, to put down the system. It may be that slavery as it exists in the houses of the better classes in Hong-Kong, is mild, and that custom among the better classes renders servitude to them a boon as long as it lasts. It is, I believe, an admitted duty that when the young girl grows up and becomes marriageable she is married, but then it is the custom that the husband buys her, and her master receives the price always paid for a wife whilst he has received the girl's services for simple maintenance, so that according to the marriageable excess in the price of the bride over the price he paid for the girl he is a gainer and the purchase of the child produces a good return. But the picture has another aspect; what—if the master is brutal or the mistress jealous—becomes of the poor girl? Certain recent cases show that she is sold to become a prostitute here or at Singapore or in California, a fate often worse than death to the girl, at a highly remunerating price to the brute, the master. It seems to me that all slavery, domestic, agrarian, or for immoral purposes, comes within one and the same category. I proceed to answer the question, does the law of Hong-Kong tolerate slavery in any shape? I believe the whole question rests on the highest principles recognized by all European municipal law. I expressed the conclusion to which I had come in 1871. I extract the words in which I expressed that conclusion from the report of my judgment on the 25th March, 1871, in the Kwok Ashing case, from the only book in which it is printed in an enduring form, the American State Papers: 'The papers relating to the foreign relations of the United States transmitted to Congress with the annual message of the President, Washington, 1871.' I then said, 'The views put forth in this colony compel me to refer to what elsewhere are assumed as axioms. Christianity teaches us that God made man in his own image and breathed into him the breath of life—eternal life. It does so happen that this Christianity is the law of England, of this colony, and modern European philosophy in its own refined language teaches much the same doctrine of man's equality with man, only (as it assumes) on rather more subtle hypothesis. Well, content as I am, and as judge must be, with the law of the land, I must answer the question: Is it possible that such a being as man can, according to law, a science of development according to law A. D. 1871, become a slave even by his own consent? I say it is impossible in law, as Sir R. Phillimore, 1 Phill., International Law, vol. I. p. 316, has said in a passage I read with the most respectful concurrence, but too long for full quotation. "Of this great truth its sound has at last gone out into all lands and its voice unto the ends of the world." A man can no more, as I infer from the same high authority, by contract be authorized to take the liberty than to take the life of another. The proposition long ago enunciated by Locke (who was in almost a minority of one in his time), a proposition now universally accepted in morals, appears to me to flow from the first principles of English law as they have been developed at the present time. French law is the same as English law as to the right to personal liberty, "En France quiconque a mis le pied dans ce royaume est gratifié de la liberté."—*Ib.*, 341. It is unnecessary for me to trace how it became the common law of England that whoever breathes the air of England cannot be a slave.

"I must, however, go back to 1771, when Granvill Sharpe brought the question before the court of Queen's bench. In Somerset's case, Lord Mansfield said that there were 14,000 or 15,000 negroes claimed as slaves then residing in England, valued at £700,000 at that date. The *de facto* existence of slavery in England at that date was somewhat similar to the *de facto* state of slavery here as to the number of slaves and the alleged hardship to slave-holders. He saw the difficulties, the disorganization, the ruin which must follow his decision, but he said *fiat justitia ruat cælum;* and the court unani-

mously decided that, notwithstanding the promises which had been given to the Jamaica planters by former governments, that they might bring their slaves to England and take them back to Jamaica, relying on which they had brought their slaves to England, that the law overrode all such promises, that they could not be taken back, that they were free. The golden words of Lord Mansfield were these: 'The state of slavery is of such a nature it is incapable of being introduced on any reasons moral or political, but only by positive law. . . . It is so odious that nothing can be suffered to support it but positive law.' This is the language more than a century since uttered by no soft-hearted humanitarian, but by the Conservative Tory, the greatest Chief Justice of England, whose fame Junius assailed and whose library the mob burnt at a time when the slave trade flourished and slaves in the colonies were bought and sold in England. I quote from 20 State Trials, p. 82. Resting on that decision and relying on very many other grounds, I am clearly of opinion that slavery, however mild, however much consented to by the slave himself or his parents, or for however limited a period, is contrary to, that it is prohibited by, the common law of England. In the colonies slavery never existed except under positive enactment authorizing it. Has it ever been tolerated in Hong-Kong? I emphatically answer, Never. The two proclamations of 1841 I have already referred to are governed by the words 'pending Her Majesty's future pleasure,' in the second of the two forming one proclamation. Her Majesty was pleased to constitute this as a crown colony with a legislative council, and with these proclamations present to their minds the first ordinance of the legislative council No. 1 of 1844 was an ordinance to define the law relating to slavery in Hong-Kong. Well, it was a clumsy piece of legislation. It was passed on February 28, 1844, and it was disallowed by the Queen, of which notice was published in the colony on the 24th of January, 1845, probably as soon as it was possible in those days, and on the same day a proclamation was issued in these words: "Whereas the act of the British Parliament for the abolition of the slave trade and for the abolition of slavery extend *by their own proper force and authority* to Hong-Kong, this is to apprise all persons of the same and to give notice that these acts will be enforced by all Her Majesty's officers, civil and military, within this colony." What becomes of the argument in favor of slavery in any form founded on the proclamations read with this proclamation? I ask a further question: Have all Her Majesty's officers, civil and military, enforced these acts within this colony? I think they have not; I confess that I have not. Our excuse has been in the difficulty in enforcing these acts, but mainly in our ignorance of the extent of the evil. What is our duty now that we know that slavery in its worst as in its best form exists in this dot in the ocean to the extent of say 10,000 slaves—a number probably unexceeded within the same space at any time under the British Crown, and so far, as I believe, the only spot where British law prevails in which slavery in any form exists at the present time? But can Chinese slavery as it *de facto* exists in Hong-Kong be considered a Chinese custom which can be brought within the intent and meaning of either of the proclamations of 1841 so as to be sanctioned by the proclamations? I assert that it cannot.

"I say this, as at present advised, in the absence of argument. A custom is 'such a usage as by common consent and uniform practice has become the law.' In 1841 there could have been no custom of slavery in Hong-Kong as now set up, for save a few fishermen and cottagers the island was uninhabited, and between 1841 and 1844, the date of the ordinance expressly prohibiting slavery, there was no time for such a custom to have grown up; and slavery in every form having been by express law prohibited by the royal proclamation of the Queen in 1845, no custom contrary to that law could, after that date, grow up, because the thing was by express law illegal. I go further, and I find that the penal law of China, whilst it facilitates the adoption of children into a family to keep up its succession, prohibits by section 78 the receiving into his house by any one of a person of a different surname, declaring him guilty of 'confounding family distinctions,' and punishing him with sixty blows; the father of the son who shall 'give away' (the idea of sale seems unknown to Chinese law) his son is to be subject to the same punishment. Again, section 79 enacts that whoever shall receive and detain the strayed or lost child of a respectable person, and instead of taking it before the magistrate sell such child as a slave, shall be punished with 100 blows and 3 years' banishment. Whoever shall sell such child for marriage or adoption into any family as a son or grandson, shall be punished with 90 blows and banishment for two years and a half. Whoever shall dispose of a strayed or lost slave shall suffer the punishment provided by the law reduced one degree. If any person shall receive and detain a fugitive child, and instead of taking it before the magistrates sell such child for a slave, he shall be punished with 90 blows and banishment for two years and a half. Whosoever shall sell any such fugitive child for marriage or adoption shall suffer the punishment of 80 blows and two years' banishment. In each of the above-mentioned cases the punishment shall be less by one degree if the fugitive should be found to be a slave. All fugitives so disposed of shall suffer punishment one degree less than that inflicted on the seller, except when the previous offense of the fugitive shall have been the greatest, in which case the severer of the

two punishments to which he is liable shall be inflicted. Whosoever shall detain for his own use as a slave, wife, or child, any such lost, strayed, or fugitive child or slave shall be equally liable to be punished as above mentioned, but if only guilty of detaining the same for a short time the punishment shall not exceed 80 blows. When the purchaser or the negotiator of the purchase shall be aware of the unlawfulness of the transaction he shall suffer punishment one degree less than that inflicted on the seller, and the amount of the pecuniary consideration shall be forfeited to government, but when he or they are found to have been unacquainted therewith they shall not be liable to punishment and the money shall be restored to the party from whom it had been received. After reading these extracts from the penal code of China—an old code revised from time to time (I quote from the last revision, made in 1875 and published in 1877)—I cannot see how it can be maintained that any form of slavery was ever tolerated by law in Hong-Kong as it *de facto* exists here, or how the words of the two proclamations of 1841 could be said to bear the color of tolerating slavery under the English flag in Hong-Kong. It is to me clear that the Queen's proclamation of 1845, which I have already quoted at full, declared slavery absolutely illegal here. In conclusion, I affirm that to sell or to buy or to hold or detain a man, a woman, or a child, as a slave or as property is absolutely prohibited by the law of England, which law is imported into and forms the substance of the law of Hong-Kong by virtue of ordinances 6, of 1845, and 12 of 1873. I hold it to be contrary to the public morals which form a part of that law, and that it ought to be put down. As at present advised, I believe that the law as it exists is strong enough and that its arm is long enough to reach all illegal acts contrary and offensive to public morality or public decency. The attorney-general on a former occasion thought fit to press the court to instruct him how to frame his information in a case which the court had directed to be prosecuted. The supreme court has habitually directed prosecutions in cases in which from what appears in court it seems to the judge proper that a special matter should be judicially investigated. This has been very frequently done in cases of perjury, but the court stops there—the responsibility of proceeding or not proceeding with every case is by law imposed on the public prosecutor. If the judge directed the frame of the information he would have prejudged the case. After framing the prosecution he would be in a sort bound to uphold the information so framed by him, whether right or wrong; he would be at once prosecutor and judge. I add that it is not the duty of the executive to direct the public prosecutor what he is to do, because the law casts the whole responsibility on the public prosecutor himself. I may, however, say that it is a general proposition that whatever is prohibited by the common law or by express enactment, for which no other remedy is provided, may be treated and is a misdemeanor, if contrary to public policy or morals. Until it shall be tried and decided whether any particular breach of such prohibition is a misdemeanor it cannot be said to be beyond the reach of the law. If and when any particular breach of the rules of the common law be determined by the verdict of a jury or by judicial decision to be beyond the reach of punishment, but not till then, it may become the duty of the public prosecutor to abstain from prosecuting for it, and to ask the executive to consider whether it would be right or proper to provide a remedy for the specific breach of the rules of the common law which the law as it stands shall have been shown not to reach. I feel that in what I have said I have but affirmed truisms supported by arguments unnecessarily long and prolix in the estimation of every man in England. What I have said has been said to meet arguments, doubts, and difficulties which have paralyzed public opinion and public action here, which arguments, doubts, and difficulties are the less easy to combat because they have been rather hinted at than avowed. What I have intended to affirm I may briefly state thus: 1. That in England, by the common law, slavery in every form has always been and is prohibited; that no one can acquire any right over the person of another; that no man can sell his own person into slavery; that a parent has no salable property in his child; moreover, that every such sale is *nudum pactum* absolutely void; that money paid, on any such sale cannot be recovered back; but that the man bought must be restored to liberty, and the sold child to his parent, as if no money had been paid; that no purchase money can be recovered back, and that the crime in buyer and seller must be punished. 2. That slavery has never been introduced into any British colony except by positive law; so said Lord Mansfield. 3. That all slavery was abolished throughout the British colonies in 1833, when England nobly made a present of £20,000,000 as a boon to the slaveholders. 4. That Hong-Kong became a British colony not until 1841, and then slavery had been absolutely prohibited by force of both the common and the statute law then existing. 5. That by the proclamation of the 24th of January, 1845, the Queen promised and undertook that the English laws against slavery will be enforced by all Her Majesty's officers, civil and military, within the colony. 6. That the obligation to enforce these laws is, therefore, absolutely imposed by the Queen on every civil and military officer here as if the obligation had been especially written at length in his commission or warrant of office. 7. That, these laws not having been enforced, each officer has failed in his duty to the Queen, and that the

only excuse any one of us can urge for such failure in duty is ignorance of the existence of the extent of slavery here. 8. That it being now patent that there is now a very great number of slaves (say 10,000—the number has been estimated at even 20,000) in this colony, ignorance can no longer be our excuse, but that all officers of the Queen in this colony, each in his department and to the best of his ability, must henceforth effectually enforce these laws or fail in the duty imposed on him by the Queen. Of this I feel assured by his previous acts, that his excellency, the governor, will actively promote all such proceedings as will tend to enforce the laws against slavery here, so that this colony may become as free from that taint as any other colony under the British Crown, by enforcing laws already in existence, and, if necessary, by passing laws, however stringent, that shall free this colony effectually from all slavery."

Hu Akow, convicted of unlawfully enticing away a child under the age of fourteen years, was then called on. He was arrested as he was taking the child on board the Macao steamer. He now repeated what he said at the trial, that he did not kidnap the child, but that it belonged to his mother-in-law.

HIS LORDSHIP. And didn't he take it without his mother-in-law's leave?

PRISONER. The child followed me on to the steamer.

HIS LORDSHIP. And you induced the child to do so. You have said nothing that can mitigate your case. What you have said shows that your heart is as hard now as when you took that child. The sentence on you is that you be imprisoned for two years with hard labor, and that you be kept in solitary confinement for fourteen days at each time once in every three months of your imprisonment.

Tsang Sz Tow and U Ain, convicted, on two counts, of unlawfully detaining by force two boys with intent to sell them, and on two others with detaining the boys by fraudulent means, with intent to sell them, were next called on.

The first prisoner admitted having one of the boys, but said it was presented to him to adopt as his own child.

His lordship said that was no defense, but on the other hand there was not a particle of evidence in support of it, because the child did not speak the language of the prisoner; it had evidently been brought from a great distance.

The second prisoner said he had nothing to do with the first prisoner. He only took the child to be a barber, and no one saw him hawking it or offering it for sale.

His lordship, addressing the first prisoner, said his case was one of the worst he had known. He had brought the children manifestly from a long distance, because their language was unintelligible here. On the first and third counts (detaining by force) the sentence of the court was that he be kept in penal servitude for three years, the sentence on each count to be concurrent, and that on the other two counts he be imprisoned for a year, also concurrent with the first sentence.

The second prisoner was sentenced to eighteen months' hard labor. His lordship said this man's case was a very much lighter one than that of the first prisoner. Although there was nothing in his excuse, yet his possession of the children was of a very different character from the possession by the first prisoner.

Keung Ato and Li Ak, convicted, the former of buying a child for the purpose of prostitution, and the latter (a woman) with selling the child for the same purpose, were each sentenced to eighteen months' hard labor.

[Inclosure No. 2.]

The remarks of the chief justice yesterday in passing sentence on the prisoners convicted of trafficking in children will be read with general interest. They are undoubtedly entitled to the earnest attention of all members of the community, and will no doubt receive it. Sir John Smale lays down the law on the subject, and pronounces most emphatically that slavery has never been tolerated in Hong-Kong; the law against it has always existed, but has not been enforced. He draws attention to the fact that subsequent to the royal proclamations constituting Hong-Kong a crown colony with a legislative council, an ordinance to define the law relating to slavery was passed, but was disallowed by the Queen, and on the 24th January, 1845, a proclamation was issued, saying: "Whereas the acts of the British Parliament for the abolition of the slave trade and for the abolition of slavery extend *by their own proper force and authority* to Hong-Kong, this is to apprise all persons of the same, and to give notice that these acts will be enforced by all Her Majesty's officers, civil and military, within this colony." The chief justice considers that this disposes of the argument deduced from the first proclamation inviting the Chinese to settle here, and promising them the free exercise of their religious rites, ceremonies, and social customs. He goes on to argue that Chinese slavery as it *de facto* exists in Hong-Kong cannot be considered a Chinese custom which can be brought within the intent and meaning of either of the proclamations of 1841, and quotes from the law of China to show that it has no legal sanction there. But it cannot be doubted that it exists in every part of the empire in practice if not in law. It was only the other day that an imperial decree was solicited by Tso Tsung-tang, the viceroy of Kansuh, condemning

the children and relatives of the late ameer of Kashgaria, some to slavery and others to a worse fate. We could quote from several of the best writers on China and Chinese customs to show that slavery is a recognized institution of China, but this fact will hardly be contested, we imagine, when it is so patent to all who know anything of the social customs of the Central Kingdom. It is indeed recognized in the Chinese law quoted by the chief justice.

The chief justice frankly admits that the government has failed in its duty in not enforcing the law of England in this colony, and thus preventing slavery. In the mild form of domestic service, and in another unutterably detestable form, slavery has for nearly forty years existed in Hong-Kong with little check or hinderance. It is certainly high time that the government woke up to a sense of its responsibilities. That slavery of all kinds should be put down most people are agreed. On the method of accomplishing this eminently desirable object there is undoubtedly some difference of opinion. The government of this colony has suffered a system of domestic slavery, not very harmful in itself, perhaps, but liable to great abuses, and opposed both to the spirit and letter of British law, to grow up here during a long period of years, and it would be inequitable now to suddenly pounce down upon all offenders, without notice, and say to them: "You are guilty of a breach of law, and therefore we must punish you."

It must be borne in mind that the Chinese, by their training, by the practice of officials in their own country, learn to look upon the law as a thing to be evaded, and they have, in this particular instance, we regret to say, been confirmed in a belief that they can do the same here by the immunity from interference hitherto experienced. If this system of slavery is to be put down effectually and with justice to all parties it must be done gradually, and with some regard both for those held in bondage and those who have either ignorantly defied the law or have imagined it to be a dead letter. A proclamation should be issued setting forth that all those persons held in compulsory servitude are at perfect liberty to leave their masters and mistresses if they choose; that henceforth any person found purchasing any one, for whatever purpose, will be prosecuted with the utmost rigor of the law; and that any one detaining another in bondage shall also be dealt with according to law. It would be absurd and unjust to commence prosecuting all the Chinese who hold domestic slaves. We have not the slightest doubt that all these persons will be content to enter into agreements with their servants to employ them either for a monetary or other proper consideration. As for those unfortunate beings who fill the brothels of the colony, another mode of procedure will have to be adopted, and there will no doubt be more difficulty in suppressing this iniquitous traffic.

While we feel bound to condemn the supineness of successive administrations in not attempting to grapple with the evil and scandal which has grown up under the ægis of the British flag, it would be extremely unfair to blame any particular official or department, and no doubt there is some force in the plea of ignorance set up by the chief justice, although we cannot accept it as a satisfactory excuse for all the neglect and blindness of nearly four decades. However, "better late than never," though an old and trite maxim, is a good one, and we trust that the traffic in human flesh will soon be a thing of the past in Hong-Kong, as it has become in other portions of Her Majesty's dominions. We feel confident that the respectable portion of the Chinese community will feel the justice and necessity of conforming to British law when they clearly understand it. In repairing its past mistakes, the government of Hong-Kong must take care that the burden of them does not descend upon those who by its own inaction have been led to perpetuate a system which should not have been allowed to be introduced into the island. If the crusade inaugurated by Sir John Smale be conducted on these principles, having regard to existing circumstances of employers and employed, the Chinese will have naught to fear and little to lose. No real revolution would need to take place in their habits and customs, and only the cruel kidnaper and the vile procuress would have cause to tremble. We cannot doubt that this is the spirit in which the government will take up the matter. To proclaim a sudden and unrelenting war upon all holders of slaves in the colony, without regard to circumstances, would certainly be attended with unfortunate results, besides inflicting much unmerited hardship upon numerous individuals.

[Inclosure No. 3.]

CHINESE PETITION ON THE SLAVERY QUESTION.

We give the following translation of a petition sent in to his excellency the governor by the Chinese community on the slavery question:

PETITION BY THE GENTRY, TRADERS, AND [OTHER] PEOPLE OF THE WHOLE OF HONG-KONG.

In the matter of a prayer that in graciousness an alteration to accommodate will be made in the tenor of the laws [to the end that] discrimination between the good and

bad (the terms actually used are derived from a classical source, and signify the turbid waters of the King and the crystal of the Wei) be made, and the wishes of the people be humored and compassionated [on a point dear to] their hearts.

In consequence of the propinquity of this colony of Hong-Kong to Canton, the custom of which province is to permit the people of the various places in the province to frequently sell their daughters and barter their sons that they may be preserved from death [by starvation, the usage has become engrafted on to this colony also].

Owing to the Chinese officials never having issued prohibitory laws [against the sale of children], for ages in succession [this species of transactions has grown to meet with the sellers' and buyers'] reciprocated approval.

Of late, in consequence of certain vagabonds greedy after profit having ostensibly sold children into [domestic] slavery while in reality they disposed of them for prostitution abroad, [the result has been the two descriptions of transactions have become] confused, as if they were jadestone and inferior gems mixed together. This is [a matter] quite sufficient to create anger.

Last year there was presented a petition to the authorities praying it might be [allowed to] establish a protection society with the view of eliminating this custom (the term "evil" is evidently intended), from which it may be seen that the petitioners detest the villains [who commit the offense alluded to] as enemies.

As to [such cases where] boys are purchased for adoption and girls as [domestic] slaves, [these transactions are] compared with those [above spoken of] very widely different.

The purchase of boys is because the buyers have no descendants, and it is desired to fall back on the *ming ling* (in allusion to the Chinese myth that the *ming ling* caterpillar discards its young, which the *kwo lo* or sphex adopts as its own) for succession.

The purchase of girls is because of the multitudinous duties of a household, the labor of which it is desired they shall for a time assume. During the childhood of these bought children it is necessary they should be taught [domestic duties] and be fed and clothed; and when they are grown up that they should be provided with a wife or a husband [according to the sex of the individual]. Their convenience is consulted, they not being compelled to perform arduous work.

All past authorities [of the colony] have clearly understood the customs of the natives of China and have avoided binding us with the bonds of the law; and, following a liberal [form of administration], abstained from investigating [the relations between slave and master].

It appears that in the year 1841 His Excellency Governor I (Elliot) issued a proclamation in effect that he desired to encourage colonization [of this island], stating that all Chinese who took up residence in Hong-Kong would be permitted to retain their customs [under English] administration of the colony's affairs. In consequence, those living in the place were delighted; and those at a distance were induced to come [and reside] in Hong-Kong, where each day has reflected the prosperity [of the one preceding it].

It has now been learned that the chief justice, in trying a case of selling a virtuous [girl] to be a prostitute, uttered in his decision [the statement that] all sales of slave girls are indictable as offenses. The people of Hong-Kong are really in much trepidation [in consequence]; and while the honest trader and the wealthy [Chinese] resident are in constant dread of violating the laws of the sovereign, [on the one hand, on the other] the poverty-stricken inferior orders are afraid that there will be left no means of insuring life to their offspring. Amongst the Chinese there has hitherto been the custom (meaning "vice") of drowning their daughters. If a stop is put to the sale [of these girls] the custom [spoken of] will be yet more observed. Again, not having this means of profit to feed themselves by, it is to be really feared the parents will become thieves.

[The petitioners] are presumptuous enough to suppose that his excellency regards the sorrows of the people with a compassionate heart, and cannot bear that the resourceless people should be bound up to await death, and, therefore, prostrate pray [his excellency] to overlook the [objectionable] usage, and abstain from upsetting the [hitherto existing mode of] administration [of matters connected with the natives]; and that [his excellency will be pleased] to, on their behalf, memorialize the Court [of St. James] beseeching that the [custom amongst the Chinese of buying boys for descendants and girls for [domestic] slaves [may be permitted]; and that the law which regards the purchase of children as unjustifiable [whatever the reason for which they be bought] be abrogated, and others enacted [that shall admit of] an arrangement [permitting the usage obtaining amongst the natives, but punishing any abuse of it]. Whenever there are sales of virtuous girls to prostitution or sales of kidnaped children [it is right that] these offenses should be followed by severe punishment, and then the poor and rich would alike have their minds put at ease; and under such circumstances the gratitude due for such graciousness would be unbounded.

Following there will be found ten detailed observations which are submitted [for his excellency's] inspection; and the [petitioners] prostrate pray that his excellency will take this petition into consideration and act [upon the suggestions offered].

Additional arguments, ten in number, submitted for considerate inspection [which] prostrate [it is besought may be] perspicuously and in extra degree examined, a perspicacious opinion formed and carried into execution:

1. In China, for successive ages, in the matter of dealing with boys and girls, they have been bought for lineal male descendants, for daughters, for prostitutes, and for [domestic] slaves. Whether for one purpose or whether for another, the transactions have been willingly entered into. Where there has been no decoying, kidnapping, or forcible abduction, the laws have not inhibited [these dealings]. [The purchasing] has not been confined to the common people, but even for the families of officials of all grades also [have slaves been bought]. [This sort of thing] became necessary because the people of China daily became more numerous, the poverty-stricken multitudinous. Therefore the government, recognizing the existence of a necessity [for the sale of children], enacted laws in the hope that [by thus meeting the exigency] much suffering to the people might be prevented. If, following out the laws [of Great Britain, the sale of children] be at once stopped, the poor and those in straits will have no means of sustaining life and will have nothing for it but to sit down and die. Owing [to the gravity of the position of affairs] was it that [China] enacted permissive laws [in reference to this matter]. But in these laws the sale of virtuous girls to prostitution, forcible abduction, and decoying, being unworthy acts [provision is made] for the unmerciful suppression of them; in some cases the crimes being regarded as deserving of capital punishment. Nevertheless, these transactions [whether of an odious nature or not] are all buying and selling; [hence, therefore, the necessity] in dealing with them to discriminate those carried out with worthy motives and those of a different nature, those of a criminal character and those the reverse.

2. This [colony of] Hong-Kong adjoins [as it were] the city walls of Canton and is a continuation of the rustic districts [of the province]. From the time of the opening [of this place] until now is forty years, [during which period] it has grown to be highly prosperous. Within the last few years many Chinese have brought their wealth and families where they have considered themselves secure in peaceful safety and fortunate possessions. Those who considered the reasons [of such an auspicious state of affairs, have found them] in the judicial uprightness of the English authorities, who avoided harassing the people. Hence those seeking residences desired to become of the colonists, and traders sought to store in its markets their goods (Mencius adapted). From the outset of the establishment of Hong-Kong, Governor I (Elliot) proclaimed that he desired to extensively induce the advent [of Chinese into the colony], saying thenceforward Chinese residing in Hong-Kong should be permitted to follow their native customs, and that all who avoided contravention of the laws of China [would be welcome, and it was trusted they] would continue to evince such law-abiding conduct. Those who speak [of the invitation alluded to] allege that Hong-Kong owes its present prosperous foundation to Governor I's action in inducing [the settlement of the colony by Chinese]. Now, in this matter of buying and selling children for descendants and as [domestic] slaves, if it is desired in a moment [without any warning] to proceed against [slave-purchasers], not only will the late governor's, (Elliot) proclamation be violated, but it is to be more than feared it will not fail of bringing the inhabitants to grief [who have been betrayed into illegal acts by that proclamation].

3. In China, amongst the evils heretofore existing, the custom (evil) of drowning [superfluous] female infants [has been rife]; in the Kwang-Tung province more especially so. Numbers of the extreme poor cannot supply even themselves with raiment and food. [When, therefore,] the added cares brought by children ensue, these people, having no one to receive their progeny from them, will immediately on bringing them forth destroy them by drowning. This custom (practice) has, as against past time, somewhat decreased in frequency of observance; but although this is a determined violation of [natural] law, still impecuniosity brings suffering on them [in proportion to its extent, and, in consequence] they have nothing for it [but to destroy their offspring]. If, as to the buying and selling of male and female children, the custom be terminated irrespective of any considerations [extraneous to the mere transactions themselve], it is to be anticipated with sorrow, that on a future day the custom will of a certainty receive an impetus hitherto (it is a question whether reference is made to all times or whether to recent years) unknown. In the destruction by drowning [of children we have a violation of the gratitude due to the] Creator's benignity. What, then, better than to permit them to dispose [of these ill-fated children in such a way as] to preserve their lives.

Another consideration: Families purchasing children, as a matter of course, are better off to some extent as to clothing and food than are parents [who sell them], and there is not the least reason to dread that the discomforts of starvation and hardship will overtake them. It is considerations such as these that constitute the amenities of giving and receiving children [for monetary consideration].

4. When parents sell their children it is of course under circumstances of extreme difficulty, futile scheming, and exhausted strength; and unless they adopt this mode they have left no honest means [of obtaining money]. Under such circumstances of distress alone can they bear to part with their children. Sellers [when they are the

parents themselves] seeking to sell are, undoubtedly, from the outset willing vendors, and there is not the slightest compulsion whatever; and as to the buyers, they regard themselves as affording relief to the necessities of others, somewhat as if they were doing a charitable action. When buying children, during their youthful days it is absolutely requisite they should be clothed and fed, and cherished and taught, and if they are sick medical attendance is invited to cure them. When they are grown up, if the purchase is a boy, why then he is found a household (a wife), in the hope he may turn out well. If a girl, why then for her is selected a good husband, that her afterlife may be happy. The love and protection expended on them is greater than they would have received from their own parents. Is treatment like this to be set on a par with that [species of sale] which condemns to a lifetime of slavery? [Hence the necessity for discrimination in these matters.]

5. In China [the people pay] obedience to Confucianism, that is, the teachings of Confucius and Mencius. Mencius says there are three kinds of unfiliality; to have no descendants is the chief; therefore most people who have no descendants regard the adoption of a son as of primary importance, and consider that to be called unfilial is to be stigmatised severely. If a man be personally indifferent to such matters his relations and friends implore him [to follow the usual course]. Hence it is that the purchase of boys for descendants is generally due to such causes. Since one may buy another's son to become one's own, then, of course, one may also buy another's girl to be one's own daughter. This is amongst the most important of Chinese customs. [It is hoped, therefore, that his excellency] will condescend to closely consider [this point].

6. Some days ago the Chinese traders of Hong-Kong submitted a petition before his excellency's presence praying [that there might be permitted] to be formed a protection society for the special purpose of preserving women and children from falling [into the hands of] the villainous kidnaper. [From which it] will be perceived that the [petitioning] gentry and others detest these scoundrels as if they were [their own personal] enemies; and that they cannot bear to see this class of scoundrels causing trouble in sympathetic, loving English territory, because their trade is but decoying and kidnaping, which are the means of livelihood to a dishonest section of traffickers, who hold the source of their profits as invaluable. Compared [with such villainy] the open, moral purchase of boys and [domestic] slave-girls [presents a phase] widely different, [and by a consideration of the subject] it is possible to separate those with good motives from those with bad.

7. Some few years ago, when H. E. the Governor Kin (Kennedy) first assumed the administration here, the gentry and others perceiving in Hong-Kong libidinous excesses running riot, and that such licentiousness ("habit" says the petition, be it observed) was injurious to the morals of the people, and, further, that women were being kidnaped and decoyed to foreign places for prostitution, [and finding that such] improper matters were what the compassionate ("honest" saith the petition) eye could not bear to look on [with indifference, a deputation] personally waited on Governor Kin praying him to institute rigorous measures for the suppression of the evils. At that time Governor Kin considered that the suppression of licentiousness was a matter of somewhat difficult a nature upon which to take action, because of the decided obstruction presented to such a course by the laws of Great Britain insuring the liberty of the subject. Still, [he found himself bound to do something, and, therefore,] suggested (*lit.* "made") a law in which all classes [of offenders against personal liberty] were included, to the end that these [rascally people] should be gradually eliminated, inquiring what the deputation thought [of its provisions]. With one accord they pronounced it excellent; and hence was enacted the ordinance of 1875 [which prescribes the penalties for offenses of kidnapping, &c].. It is the opinion [of the petitioners] that the intention of Governor Kin at that time was to put down decoying, kidnaping, forcible detention, conspiracy to drive to prostitution, and the selling of virtuous girls to putanism; and that it was not that governor's intention that the 7th and 8th clauses of that ordinance should actually include such an extensive [field] as would permit of those who purchase boys for adoption and girls as [domestic] slaves being held guilty of criminality. And there is to the minds of the petitioners much that is unexplainable [in this matter]. Is it not possible to, in a measure, so modify the ordinance as to meet the wishes of the people?

8. In China the ordinary usage in purchasing children is widely different from that in buying goods. With regard to goods, the buyer has entire control and may dispose of or retain at pleasure; but as to the purchase of children, that is not the same, for in the case of buying a girl as a [domestic] slave her parents may frequently visit her and may redeem her at any time. When grown up [and it is intended] to give her in marriage, it is necessary her parents should be made acquainted with the intention and that the girl's own willingness be ascertained. If the buyer (master) is cruel to her by treating her with severity, or should he maltreat her to death, or if all trace of her be lost, her parents, together with her near relations, may all attend upon the authorities and demand an investigation. Therefore, families losing a slave girl always issue a reward and institute steps toward a search, with the determination of recovering [the lost child], until when they do not cease [their efforts], because they are

afraid that the parents will have an investigation [before the authorities]. Thus such treatment [of slave girls shows that] proprietors have not plenary power [as to them], the slaves themselves having a considerable voice (*lit.* half a will) in their own disposal. Compared with life-long slavery, is not [the system in vogue] as different as the clouds are wide apart from the earth? Formerly China exercised a rigorous prohibition over the sale of coolies (*lit.* pigs). Now they have signed treaties with Peru and Spain permitting [those countries] to invite labor. [In the first case] the "pigs" were obtained by false representation and kidnaping; [in the second] the laborer goes to please himself. In both cases [the procedure is] the same [*i. e.*, both classes were conveyed to foreign countries], but yet the difference is as great as the heavens are widely separated from the earth. And is not the distinction of the same character [*i. e.*, as to extent] between the kidnaping of women for prostitution and the buying of boys for descendants and of girls for [domestic] slavery? The wise man will, without fail, distinguish between the King and the Wei. (See introductory paragraphs above for an explanation of this excerpt from the classics.)

9. The registrar-general's department, amongst other things, supervises the [licensed] prostitutes' registration tickets. Amongst the prostitutes of Hong-Kong those who have been bought number 80 or 90 per cent. This is a matter that is unknown to no one. If the dealing in males and females is to be an offense, this class of people ought to be the first removed. How is it that from the establishment of Hong-Kong to the present time [these people] have been allowed to continue and have not been suppressed and removed? This [non-interference] shows that successive officials, well knowing Chinese customs, did not [seek to] tyrannize and harass the people.

10. The laws prohibit the purchase of children as slaves, as if really afraid they would be neglectfully reared and tyrannously treated, and thus show a spirit of love and compassion for human kind. [But, as a matter of fact], in the bringing up of [domestic] slave girls it is seen that they are not paid wages for their labor, and in this respect [their status] differs [from paid servants], but in their childhood a fostering care is extended to them, and when grown up they are married [to some one selected by their masters, with their own approval, and they are thus compensated]. The services received [from these domestic slaves] is but for a few years, and in marrying them there is no desire to get large pecuniary returns, [and when with their masters] the raiment and food supplied are more than they would have had [had they remained with their parents]. The daughters of poverty-stricken families [in being sold] look upon the transaction as a new lease of life. If all [slave-dealing is to be] suppressed and terminated, then the girls of poor dwellings will have a means of life entirely cut off from them; and the very consideration felt on their behalf will be turned into [an instrument] of destruction. His excellency cherishes benevolence and love in his heart, and will, of a certainty, be able to arrive at a clear understanding of this subject.

In the foregoing ten observations the petitioners have but roughly set forth [a certain phase of] Chinese customs and the manner of treatment of it by successive English officials with clearness, that the [governor] above them may be made acquainted [with the true bearings of the case], anxiously trusting that he will consider the requirements of the people and condescendingly acquiesce in their desires that [slave-dealing may] be discriminatingly treated. As to the law enacted formerly (query, the ordinance of 1875 before spoken of) applying to this question, would it not be advisable to modify [by way of] concession its provisions, retaining the few [admissible from the petitioners' view] and rejecting the many [that are opposed to their requirements]?

Hereafter, in the matter of dealing in children [by way of meeting the stringent laws of the British Empire as to slavery], could not a regulation, clearly worded, [be made demanding the registry of all sales, and that the children] shall not be treated cruelly.

Respectfully, [the petitioners] await a decision, [adding that this provision would not be harmful in the government of the people; and the poor and the wealthy would feel at ease, and the whole of Hong-Kong [Chinese] would be benefited thereby.

(Signed) CHU U TIN,
KWOK CHEONG,
FUNG MING SHAN,
FUNG PAT HING,
WONG QUAN TONG,
LEUNG ON,
WONG SHU TONG,
PANG YAT PO,
LEUNG LUN PO,
FUNG HIN TING,
HU HO CHUEN,
CHUN CHUK CHEE,
CHUI SOEY SHANG,
KWOK NAM PING,
&c.

[Inclosure 4.]

The Daily Press.

HONG-KONG, *October* 25, 1879.

The Chinese memorial to his excellency the governor on the question of slavery in Kong-Kong, a translation of which we give *in extenso* elsewhere, may be taken as fairly representing the views of the bulk of the native population. In criticising this document, we are actuated with a sincere desire to do justice to all parties. The question is one that so intimately affects the social life of the Chinese resident in this colony that no rash or hasty decision should be come to on the subject. The petition before us sets out with a prayer that an alteration may be made in the laws of the colony whereby the custom or practice of purchasing children for adoption or for domestic servants may be permitted, while provision is made against abuse of the same. The late decision of the chief justice has, it is further stated, plunged the native community into trepidation, as the higher classes dread violating the laws of the sovereign on the one hand, while the lower classes fear that there will be a poor prospect of insuring a means of subsistence to their offspring on the other. The petitioners place their arguments before his excellency in ten paragraphs, "additional arguments, ten in number," as they call them. In the first paragraph they set out that the buying and selling of children is an essentially Chinese custom, rendered necessary by the struggle for existence which the poor in that populous empire have to make, and that in dealing with the matter it is necessary to discriminate between those transactions of a criminal character and those the reverse; in other words, that while slavery itself ought to be recognized, certain forms of it should be rendered illegal. The second argument is that in this colony, which is so contiguous to China, Chinese customs must prevail, and that their tolerance was guaranteed by Governor Elliot.

The third argument is that if the sale of their children be prohibited to the poor it will lead to an increase in the crime of infanticide; the fourth, that there is a difference between the domestic slavery which forms the subject of the argument and other forms of life-long bondage; the fifth, that it is rendered necessary by the observance of the Confucian doctrine, a man not having descendants of his own being compelled to adopt one, and if it be lawful to adopt boys, then also is it lawful to adopt girls; the sixth, that the Chinese, while purchasing children from good motives, detest kidnaping, and wish to form a society having for its object the suppression of this crime; the seventh points out the support given by the Chinese to the ordinance passed by Governor Kennedy for the punishment of offenses against personal liberty, but it is urged that it was not the governor's intention that those who purchase boys for adoption and girls for domestic slaves should be held criminal, and that if the ordinance goes to this extent it ought to be modified to meet the wishes of the people; the eighth is to the effect that the slaves are not treated as chattels, and that if they are ill-used their friends have a remedy, according to Chinese law, against the masters; the ninth, that if the matter is to be dealt with, the government ought in the first place to deal with the prostitutes, 80 or 90 per cent. of whom are slaves; and the tenth, that the position of domestic slaves is much better than it would be if the children remained with their poverty-stricken parents.

Ab initio these arguments or representations of the petition are untenable, for the simple reason that they are opposed to the fundamental principles of British law. If this were Chinese territory, subject to Chinese law, there would, indeed, be much cogency in the arguments adduced, and the case for the petitioners would be a strong one. The petitioners must have forgotten, for the moment, that the British Government cannot, however well disposed to give them the enjoyment of their customs, violate the principles of the constitution to do so. But, to glance briefly at the ten propositions above summarized: the pith of the first is that if English law be applied the poor will suffer, and that the wisdom of China has enacted permissive laws to prevent such suffering; therefore the former should be amended. Well, the carrying into effect of good has sometimes caused present suffering, and it is questionable if the abolition of slavery in the West Indies was an unmixed good, so far as the immediate interests of those affected was concerned. But it is a grand principle of the Christian religion that we may not do evil that good may come; and, to avoid some present distress, have we the right to sanction what is not only open to abuse, but unquestionably and admittedly often abused? The same reply will refer to several of the succeeding arguments. As to adoption, this, to a certain extent, prevails in all civilized countries, even where slavery is unknown, and it is not necessary to tolerate slavery in order to render adoption possible.

In their remarks on kidnaping, the petitioners seem to forget that wherever there is a market for slaves it will, to a greater or less extent, be supplied by kidnaping. In England, and in most European countries where there is no slavery, kidnaping is almost an unknown crime. In China, on the other hand, where a form of slavery is tolerated, the crime is fearfully rife, and the records of the courts of Hong-Kong

show that it also prevails extensively in this colony. While some parents willingly part with their children for a monetary consideration, many are cruelly and forcibly deprived of them against their will. The argument that infanticide would be increased by the suppression of slavery is hardly applicable to the discussion; each crime must be dealt with as may be found necessary, and our laws are quite sufficient to cope with that of child-murder. These remarks, of course, apply only to the colony of Honk-Kong; for what takes place in the province of Kwang-Tung we can accept no responsibility. The authorities there must grapple with their own difficulties. A British colony certainly can never be made a hot-bed of slavery in order to prevent inhumanity in a contiguous province. In their eighth argument we must say we think the petitioners are wrong in their facts. In many, perhaps we may say the majority, of cases the slaves are completely lost sight of by their parents and friends, and are simply the absolute property of their masters. To give an illustration: a wealthy Chinaman in Hong-Kong, after the manner of his countrymen, surrounds himself with concubines and slaves.

Being a kind-hearted man, speaking generally, these are all kindly treated; but reverses in business come, our friend loses his wealth, and finds it necessary, not only to reduce his establishment, but to realize all the money he can. The slaves are of necessity sold. The owner may, being—as we have supposed him—a humane man, take some trouble to find good homes and kind masters for them. But take the reverse of the picture, and suppose the owner to be the opposite of the other character, or even to be only a careless man; what may then be the fate of the human chattels? He will, not unnaturally, seek simply to realize the largest amount with the least trouble, and the girls will, in all probability, be sold to a life of infamy. Where there is right of ownership in human beings there must inevitably be abuses, even when the surrounding circumstances seem most favorable. It may be freely granted that many of the slaves on attaining their majority are comfortably settled in life, and have good reason to be grateful to their masters for the care bestowed upon them and the interest taken in their welfare. But we cannot afford to look on one side of the question only; the abuses are too patent to be ignored in its other phases, which are inseparable from domestic slavery. And even if there were no abuses, slavery in any form is an offense against British law, which Mr. Hennessy will have to tell the memorialists cannot be perpetuated. With the remarks in proposition 9, on the unhappp condition of the inmates of the brothels, it is needless to say that we entirely concur, and hope the government will give this darkest side of the question their immediate and most serious attention. To conclude, we cannot but think that the Chinese have overestimated the prejudicial effect which the inhibition of slavery would have upon their domestic economy. There could be no objection to their having as many servants and adopting as many boys as they choose; and there ought to be no difficulty in their obtaining them without acquiring a right of ownership over their persons. Of one thing the Chinese of this colony may rest assured, namely, that in face of the previous inaction of the government, it is highly improbable that any sudden or violent social revolution will be inaugurated.

[Inclosure No. 5.]

The Hong-Kong government has recently been occupied in most laudable attempts to put down the practice of buying and selling Chinese girls for immoral purposes, and if its own hands had been quite clean in the matter would doubtless have succeeded to a greater extent than it has. Unfortunately, the peculiar system adopted in the colony can only be maintained by tacitly accepting the system of slavery; so that, while the executive is striving in one direction to effect a reform, it is, on the other, with a strange inconsistence, placing obstacles in the path of an insurmountable character. From time to time, in the mixed court here, we hear curious revelations of the system of domestic slavery, and our reports frequently mention the refusal of the foreign assessor to take any part in the deliberations of the court on these matters. The same cry of the presence of domestic slavery comes to us from those parts of the outer world to which Chinese have emigrated; and in San Francisco, equally with our Australian colonies, it is one of the strongest causes of complaint against the Chinese settlers that they have carried with them to their new abodes this peculiar institution. We have for so many centuries got rid of the last vestiges of domestic slavery, that it is difficult for us to imagine a condition of affairs under which it still flourishes; and accordingly, when we meet with it practiced amongst Chinese residents, we are at a loss to comprehend its foundations; and when we attempt to get rid of its abuses, are far more likely to make matters worse than to cause any sensible amelioration. Curious results have followed more than once from well-meant but ill-judged attempts to force on unwilling subjects a liberty they could not comprehend, but which they knew would be but the means of inflicting further and more hopeless injury. A book published in the United States about two years

ago, "The Chinese in America," by the Rev. O. Gibson, a missionary for many years in China, gives some curious tales of the life of the Chinese in San Francisco. To their credit, the missionary bodies of the United States have not confined their missions to the Chinese to those who have not left their native land, but have attempted with varyiug success to influence the settlers in the Western States. In this they have had many difficulties to encounter, not the least of which proceed from the undisguised hostility displayed towards the settlers by the meaner classes of Irish and negro laborers. Still, on the whole, the influence of the missionaries has been good. They have certainly shown themselves to the Chinese as unselfish and unbiased counselors, to whom they could apply in cases of trouble; and they have, by representing the views and intentions of the Chinese, more than once succeeded in preventing great wrongs being done under the mistaken name of justice. Having said this much, and remembering Mr. Gibson's missionary experience in China, his failure to comprehend the peculiarities of Chinese domestic slavery seems strange. Now it is unfortunately the case that many institutions which were originally founded to meet an acknowledged want, have not only survived that want, but have themselves become abuses. Domestic slavery in China is one of these institutions. Even in China itself it has passed the time when it was a necessity, and gives rise to abuses which the annals of our own mixed court abundantly prove.

Out of China, where it is an exotic, it is little subject for wonder that while all the abuses survive, the really good parts at the foundation of the institution have for the most part died out, or from surrounding circumstances have become inoperative. It is strange to learn that we have to go back to times antecedent to the Roman laws of the Twelve Tables to find a European analogue of the domestic laws of the Chinese; yet so it is, and a paper by Mr. P. G. von Möllendorff on the "Family Law of the Chinese," read before the local branch of the Royal Asiatic Society in the spring of the present year, and just published, gives the fullest account of the connection of Roman and Chinese institutions which has yet appeared. It is equally strange to find that this phenomenon of domestic slavery amongst the Chinese, which leads to the abuses known in every quarter inhabited by Chinese settlers, proceeds from the exaggerated respect to parental authority practiced in China, and which has without doubt contributed to the long existence as a separate nation of the Chinese. The system of slavery which supplies the purlieus of extra-Chinese ports with Chinese women is in fact the legitimate offspring of the *patria potestas* which stands at the foundation of Roman as of Chinese law; but which in the latter case has run riot, while in the former, by lopping off one abuse after another, it has ceased to occupy in modern European legislation aught but the most shadowy existence. The absolute power possessed by the father over his children is no mere doctrine of Chinese law, so modified by practice as to be inoperative. On the contrary, it forms the whole substratum of the Chinese system, whether we take the relation of father towards his children or its reflection in that of sovereign over his subjects. The individual in China lives not for him or herself, but for the individual in whose *patria potestas* he or she may immediately be; and that *potestas* is not confined to the natural case of parent and child, but is transferable at the will of the former, whether the child is sold into marriage, adoption, or slavery. In all three cases the transfer takes the actual shape of a sale, and though custom dictates generally some modifications of legal rights, these rights, as we constantly see from cases in the mixed court, are exercised even where contrary to public morality. Now, the fact that this bond is religious as well as legal has generally escaped the recollection of those who as outsiders have had this curious phase of Chinese custom to contend with. With European notions of slavery, founded on the right of capture, the offer of freedom seems at once the greatest boon that can be presented to a slave; and wonderment is the result when a Chinese, offered an escape from the *patria potestas*, refuses or seeks to evade the proffered gift. It is really the case that the cutting asunder of the bond is more frequently looked upon as an evil than the contrary. To be in China a *filius nullius*, from the very constitution of Chinese society, implies that the individual is an outcast. He or she is cut off from all ties, religious or social; and this isolation, it may be readily understood, carries with it far more effective terrors than slavery itself. Strangely enough, where the attempt has been made to emancipate the individual, this phase of the operation has been forgotten, and the only result in most cases has been to plunge the recipient of the supposed favor into a still lower condition of degradation. While, therefore, it is possible to admire the philanthropy which seeks at Hong-Kong and elsewhere to lessen the evils which are the natural outgrowth of the system of paternal power run adrift, it can be seen that the peculiar ordinances of the colony necessitate the exercise of the very evil it is sought to stay, and that the gift of freedom in the colony may probably be but the first step in a career of vice.

Mr. Evarts to Mr. Yung Wing.

DEPARTMENT OF STATE,
Washington, February 17, 1880.

SIR: In a recent dispatch to this department in relation to the emigration of Chinese subjects from their own land to other countries, one of the United States consuls in China transmitted, for the information of the department, what purports to be a transcript of section cclv of the Penal Code of China, as translated by George Thomas Staunton, F. R. S., an English baronet, whose translation is reputed to be the only one known.

The law referred to is in relation to the various punishments to be inflicted upon the relatives of a Chinaman who may renounce his country and allegiance, and it may therefore be of interest to this government, in connection with the large Chinese immigration on the Pacific coast, to be conversant with the nature of this, among other Chinese statutes touching the general subject.

I have the honor, therefore, to inclose herewith a copy of the translated law as received from the consul, and to inquire whether the same correctly represents the law, and whether it is understood to be now in force in all or any part of the dominions of His Imperial Majesty.

Accept, sir, the renewed assurance of my most distinguished consideration.

WM. M. EVARTS.

[Inclosure.]

Section cclv of the Penal Code of China, concerning the renunciation of allegiance, translated by Sir George Thomas Staunton, bart., F. R. S.

Mr. Yung Wing to Mr. Evarts.

CHINESE LEGATION,
Washington, March 2, 1880. (Received March 2.)

SIR: Your communication of the 17th ultimo, containing an inclosure of a translation of section cclv of the Penal Code of China, as translated by Sir George Thomas Staunton, and inquiring "whether the same correctly represents the law, and whether it is now understood to be in force in all or any part of the dominions of His Imperial Majesty," was duly received, and I have the honor to say in reply that section cclv of the Chinese Penal Code, referred to, has no reference whatever to Chinese emigration as contemplated in and sanctioned by the Burlingame treaty. Under the general head of "Renunciation of allegiance," the specific acts so carefully defined, with their corresponding punishments, point to the presumptive existence of a lesser or greater degree of treasonable intent against the government, and it contemplates conspiracies and overt acts of rebellion against the government as being the logical sequence of "renunciation of allegiance," which antecedes them both in time and existence; hence their classification under that head or section. Emigration, as sanctioned by foreign treaties, is taken out of the cate-

gory of treasonable acts, and is therefore beyond the scope of the section.

In Article V of the Burlingame treaty we find this language, which is conclusive on this point: "The United States of America and the Emperor of China cordially recognize the inherent and inalienable right of man to change his home and allegiance."

Accept, sir, the assurance of my most distinguished consideration.

YUNG WING.

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46TH CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { Ex. DOC. No. 61.

TRADE BETWEEN ATLANTIC AND PACIFIC COASTS.

LETTER

FROM

THE SECRETARY OF THE TREASURY,

IN RESPONSE TO

A resolution of the House of Representatives calling for commercial statistics relative to the trade between the Atlantic and Pacific coasts.

MARCH 15, 1880.—Referred to the Select Committee on Interoceanic Canal and ordered to be printed.

TREASURY DEPARTMENT,
March 13, 1880.

SIR: I have the honor to acknowledge the receipt of the House resolution on the motion of the Hon. J. F. King, dated February 11, 1880, requesting the Secretary of the Treasury to furnish the House, for the use of the Committee on the Interoceanic Canal, such statistics as may be found in his department on—

First. The amount of shipping between the Atlantic and Pacific ports of the United States, and the amount and kind of cargoes, and for the coasts of the Pacific Ocean.

Second. The entries and clearances at the port of San Francisco for the last fiscal year, and the amount and kind of cargoes and the places from and to which they are carried.

Third. The amount of transportation across the isthmus and generally its points of destination, and from which originally shipped.

Fourth. The average duration of voyages around the Horn between New York and San Francisco.

In response to the request of the House, I have the honor to state that a report has been obtained from the collector of customs at San Francisco on the subjects referred to in the first, second, and third paragraphs of the resolution; and I inclose herewith copies of the papers which accompanied it.

It appears that the collector has no means of determining the amount of shipping between the Atlantic and Pacific ports of the United States, &c. The summary statement, taken from the records of the custom-house at San Francisco, shows that during the fiscal year ended June 30, 1879, 259 vessels cleared foreign from that port *via* Cape Horn, of an aggregate tonnage of 342,721 tons; and that 12 vessels, aggregating 22,175 tons, cleared for domestic ports *via* Cape Horn, carrying cargoes valued in the aggregate at $2,725,069. From a like statement of vessels entered at that port from foreign ports *via* Cape Horn, it appears that

they number 58, of an aggregate tonnage of 68,418 tons; and that 57 vessels, aggregating 92,683 tons, entered from domestic ports.

As regards the third paragraph, it appears that during the last fiscal year there cleared from San Francisco for Panama, with cargoes designed for transit across the isthmus, 27 vessels, aggregating 76,078 tons, carrying cargoes valued at $2,166,690, consisting chiefly of wine, wool, lead, brandy, rags, and hides. During the same period 27 vessels, aggregating 69,588 tons, entered there from Panama with cargo which had been transported across the isthmus.

The collector of the port of New York had also been instructed to report upon the subjects of the resolution; and he transmitted to the department a statement showing the amount of imports and exports for the last six months of 1879, and of the number of passengers, arrived and departed, during the same period, a copy of which is inclosed herewith. This is given, as the Bureau of Statistics had published tabulated statements up to the close of the last fiscal year.

The collector states that he is unable to give a statement of shipping between New York and San Francisco around Cape Horn, as no tabulated statement is made of coastwise trade by ports. Such a statement, he says, could be made up from the manifests in his office, but that it would require additional clerical force and considerable time.

The average time occupied by sailing vessels between New York and San Francisco, he reports, as about 132 days. And he further states that he has no means of furnishing the amount of merchandise shipped to foreign ports on the Pacific *via* the isthmus, as all such shipments are manifested to the United States of Colombia.

This is all the information that the department is able to give at the present time; but I may add that the inquiry is still being prosecuted in the Bureau of Statistics, the result of which will be communicated to the House.

Very respectfully,

JOHN SHERMAN,
Secretary.

Hon. SAMUEL J. RANDALL,
Speaker of the House of Representatives.

Summary statement of vessels entered at the port of San Francisco from foreign ports via Cape Horn during the fiscal year ended June 30, 1879.

From—	Number of vessels.	Tons.
Great Britain	40	50, 628
France	6	3, 599
Germany	4	2, 382
Holland	1	1, 688
Italy	1	867
Brazil	6	9, 254
Total	58	68, 418

Vessels entered from eastern domestic ports, via Cape Horn: Number of vessels, 57; tons, 92,683; value of cargo, unknown; kind of cargo, general merchandise.

Vessels entered from Panama with cargo, via the isthmus: Number of vessels, 27; tons, 69,588.

CUSTOM HOUSE, COLLECTOR'S OFFICE,
San Francisco, March 4, 1880.

T. B. SHANNON, *Collector.*

Exports to Pacific ports during the six months ending December 31, 1879.

To San Francisco, via Pacific Mail Steamship Company and isthmus		$1,952,571
To Chili, via Cape Horn		179,534
Agricultural implements	$2,110	
Cotton, manufacturers of	30,166	
Cordage	4,000	
Guns	17,000	
Iron, manufactures of	13,057	
Paper	2,109	
Perfumery	2,622	
Powder and cartridges	9,215	
Sugar, refined	11,929	
Miscellaneous	54,129	
To China		590,714
Cotton, manufactures of	249,711	
Petroleum, refined	247,536	
Miscellaneous	93,467	
To Japan		1,048,078
Clocks	14,320	
Iron, manufacturers of	5,935	
Lamps	4,661	
Petroleum, refined	932,917	
Scales	2,134	
Miscellaneous	88,111	
To Peru		261,549
Agricultural implements	2,514	
Cotton, manufactures of	18,680	
Cordage	17,203	
Machinery	41,000	
Iron, other manufactures of	21,248	
Petroleum, refined	13,996	
Provisions	52,521	
Household furniture	6,491	
Miscellaneous	87,896	
To British Possessions in Australasia		1,330,291
Tobacco and manufactures of	170,337	
Machinery	70.441	
Iron, other manufactures of	165,019	
Railroad cars	18,000	
Petroleum	138,657	
Sewing machines	11,834	
Miscellaneous	756,003	
To British East Indies		949,911
Petroleum, refined	910,614	
Miscellaneous	39,297	
To Dutch East Indies		1,433,929
Petroleum, refined	1,420,947	
Miscellaneous	12,982	
To Sandwich Islands		73,790

Summary statement of vessels cleared at the port of San Francisco for foreign ports via Cape Horn during the fiscal year ended June 30, 1879.

For—	Number of vessels.	Tons.
Great Britain	226	298,329
France	26	35,451
Germany	2	1,049
Belgium	5	7,892
Total	259	342,721

Vessels cleared for eastern domestic ports, via Cape Horn: Number of vessels, 12; tons, 22,175; value of cargo, $2,725,069; kind of cargo, wine, wool, ore, lumber, hides, lead, salmon, whale oil, rags, barley, borax, tea, beans, &c.

Vessels cleared for Panama with cargo, via the isthmus: Number of vessels, 27; tons, 67,068; value of cargo, $2,166,690; kind of cargo, wine, wool, lead, brandy, rags, and hides.

CUSTOM HOUSE, COLLECTOR'S OFFICE,
March 14, 1880.

T. B. SHANNON, *Collector.*

CUSTOM HOUSE, COLLECTOR'S OFFICE,
New York, February 17, 1880.

Statement of passengers arrived in the district and port of New York from the following countries during the six months ending December 31, 1879.

Peru	12	New Zealand	1
Ecuador	14	Asia	8
China	124	Australia	10
Japan	13	Sandwich Islands	10
Burmah	1	San Francisco	837
India	4		
Feejee Islands	1	Total	1,035

Passengers departed from the District and port of New York to Aspinwall during the six months ending December 31, 1879	721
Passengers arrived	1,035
Total	1,776

Imports from countries on the Pacific for six months from July 1, 1879, *to December* 31, 1879, *inclusive.*

Countries.	Values.	Principal articles.
Chili	$120,952	Hides, wool, nitrate of soda, &c.
Peru	290,892	Guano, nitrate of soda.
Mexico, on the Pacific	31,010	Hides.
Hong-Kong	789,631	Tea, raw silk, &c.
British East Indies	5,007,012	Coffee, spices, gums, saltpetre.
Dutch East Indies	2,036,969	Do.
Australasia	213,635	Gums.
Spanish Possessions in Africa	2,250,324	Hemp, sugar, indigo.
South America, all other	629,299	India-rubber, hides, cocoa, bark.
China	5,349,396	Tea, raw silk, &c.
Japan	3,953,011	Do.

46TH CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { Ex. DOC. No. 62.

ENFORCEMENT OF INTERNAL REVENUE LAWS.

LETTER

FROM

THE SECRETARY OF THE TREASURY,

TRANSMITTING

Report of the Commissioner of Internal Revenue to the Secretary of the Treasury, in reply to House resolution of February 10, 1880, *making inquiry for information tending to explain the necessity for employment of armed men in enforcement of the internal revenue laws.*

MARCH 16, 1880.—Referred to the Committee on Ways and Means and ordered to be printed.

TREASURY DEPARTMENT,
March 16, 1880.

SIR: In response to the resolution of the House of Representatives, dated the 10th ultimo,

That the Secretary of the Treasury be requested to lay before this House all evidence on file in the Internal Revenue Office, and all papers, reports, letters, and other documentary evidence from official sources, going to show the true state of affairs touching the enforcement of the internal revenue laws in Northeast Georgia, and tending to explain the necessity for the employment of armed men at the instance of the Internal Revenue Bureau, and which may give information to the House of Representatives on this subject,

I have the honor to transmit herewith a detailed report thereon from the Commissioner of Internal Revenue with accompanying documents.

Very respectfully,

JOHN SHERMAN,
Secretary.

Hon. S. J. RANDALL,
Speaker of the House of Representatives.

TREASURY DEPARTMENT,
OFFICE OF INTERNAL REVENUE,
Washington, February 26, 1880.

Hon. JOHN SHERMAN,
Secretary of the Treasury:

SIR: In compliance with the following resolution—

FORTY-SIXTH CONGRESS, SECOND SESSION.

CONGRESS OF THE UNITED STATES,
IN THE HOUSE OF REPRESENTATIVES,
February 10, 1880.

Mr. FERNANDO WOOD submitted the following, which was agreed to:

Resolved, That the Secretary of the Treasury be requested to lay before this House all evidence on file in the Internal Revenue Office, and all papers, reports, letters, and other documentary evidence from official sources, going to show the true state of affairs touching the enforcement of the internal revenue laws in Northeast Georgia, and tending to explain the necessity for the employment of armed men at the instance of the Internal Revenue Bureau, and which may give information to the House of Representatives on this subject.

Attest:

GEO. M. ADAMS, *Clerk*—

and your instructions indorsed thereon, I have the honor to submit the following report:

From the proceedings in the House of Representatives I infer that the immediate cause for the introduction and passage of the foregoing resolution was the organization of a large force of United States officers for the purpose of seizing illicit distilleries and arresting illicit distillers in the second collection district of Georgia, which includes the territory referred to in said resolution.

I transmit copies of such portion of the correspondence of this office as bears upon that subject.

SECOND DISTRICT OF GEORGIA.

Synopsis of correspondence.

1879.

Nov. 30. Revenue Agent Wagner telegraphs that deputy collectors were attacked by illicit distillers in Towns County and forced to surrender a prisoner. One officer badly wounded.

Nov. 30. Telegram from the Commissioner of Internal Revenue to Collector Clark to take measures to enforce the laws in Towns County.

Nov. 30. Telegram from Collector Clark that the resistance to his officers was a violent outrage. Anticipates further trouble.

Dec. 1. Collector Clark incloses report of Deputy Collector Hendrix of assault by illicit distillers in Towns County, when he was forced to surrender a prisoner. One officer wounded.

Dec. 2. Telegram from Collector Clark reporting attack upon Deputy Collector Shepard's force in Rabun County, and the wounding of three of his men by illicit distillers.

Dec. 2. Telegram from the Commissioner of Internal Revenue to Collector Clark directing him to employ increased force of armed men to maintain the supremacy of the law.

Dec. 3. Telegram from Collector Clark requesting fifty breech-loading carbines.

Dec. 3. Telegram from the Commissioner of Internal Revenue to Collector Clark directing him to arrange for co-operation with the marshal's force.

Dec. 3. Telegram from the Commissioner of Internal Revenue to Collector Clark—"arms will be sent by express to-night."

Dec. 3. Collector Clark telegraphs that instructions will be carried out.

Dec. 3. Collector Clark telegraphs that fifty men will be force enough. Will be ready to move in three days.

Dec. 2. Collector Clark incloses report of Deputy Collector Shepard of attack upon his force by an armed body of illicit distillers in Rabun County, and the shooting of three officers.

Dec. 4. Collector Clark telegraphs that Deputy Wilson seized distillery with eleven men guarding it.

Dec. 5. Telegram from the Commissioner of Internal Revenue to Collector Clark directing him to police every county where illicit distilleries are operated. Have wounded officers cared for.

Dec. 5. Collector Clark telegraphs that he will need thirty-five men twenty days. Marshal will furnish fifteen men.

Dec. 16. Letter from Collector Clark reporting visit to Dahlonega, and condition of affairs in the northeastern portion of his district.

Dec. 19. Collector Clark reports attempt by illicit distillers to release prisoners arrested in Cherokee County; also, threats of intimidation for harboring internal revenue officers.

Dec. 23. Commissioner of Internal Revenue to Collector Clark in reply to letter of 19th.

Dec. 23. Collector Clark reports acts of illicit distillers intimidating witnesses.

Dec. 31. Collector Clark telegraphs seizure of illicit stills; affairs in his district unchanged; outlaws still defiant.

1880.

Jan. 1. Letter from Collector Clark, giving information from counties north of the mountains. States that law-breakers are organized, armed, and determined to resist the laws.

Jan. 3. Collector Clark reports seizure and armed resistance by illicit distillers.

Jan. 6. Letter from Collector Clark, reporting plan of operations to suppress illicit distillation.

Jan. 8. Collector Clark incloses report of Deputy Collector Shepard, relative to organized force of distillers in Rabun County.

Jan. 10. Letter from the Commissioner of Internal Revenue to Collector Clark, directing him to secure co-operation of Collectors Brayton and Mott in his operations in Northeastern Georgia.

Jan. 10. Telegram from the Commissioner of Internal Revenue to Collector Clark, making allowance for expenses of his force.

Jan. 12. Telegram from Collector Clark stating plan of operations.

Jan. 14. Telegram from the Commissioner of Internal Revenue to Collector Clark, to observe economy, but push his operations vigorously.

Jan. 14. Collector Clark telegraphs delay in operations of his force.

Jan. 15. Commissioner of Internal Revenue telegraphs to Collector Clark to conduct his operations with vigor to avoid failure.

Jan. 15. Collector Clark informs the Commissioner of Internal Revenue of communication with South Carolina officers.

Jan. 15. Collector Clark makes report of operations.

Jan. 20. Collector Clark telegraphs operations of his officers in Rabun County.

[Telegram.]

SAVANNAH, GA., *November* 30, 1879.

Hon. GREEN B. RAUM,
Commissioner Internal Revenue:

It is reported that a squad of fifteen of Collector Clark's deputies and assistants were surrounded on the 24th and 25th instant by a large force of mountaineers in Towns County, and forced to surrender a prisoner alleged to be a leader among illicit distillers. The deputies were compelled to leave the county, leaving Deputy Pool in Union County badly hurt. I believe this outbreak is largely due to the recent leniency of the court in suspending sentence in over one hundred revenue cases.

JACOB WAGNER,
Revenue Agent.

[Telegram.]

TREASURY DEPARTMENT,
OFFICE OF INTERNAL REVENUE,
Washington, November 30, 1879.

ANDREW CLARK,
Collector, Savannah, Ga.:

If the report be true that fifteen of your officers have been overborne by a superior force of lawbreakers, you are authorized and directed to employ fifty armed men, if necessary, to enable you to enforce the laws. Obtain warrants for the arrest of the parties engaged in resisting your force, and give every necessary aid to the marshal for their arrest. Speedy punishment should follow upon the lawbreakers. Answer.

GREEN B. RAUM,
Commissioner.

Operator: If Collector Clark has returned to Atlanta, repeat to him.

G. B. R., *Commissioner.*

[Telegram.]

SAVANNAH, GA., *November* 30, 1879.

Hon. GREEN B. RAUM,
Commissioner Internal Revenue:

I am here as witness. Will be in Atlanta by the time my deputies can start again to the mountains. The resistance to my officers was a violent outrage, and I anticipate further resistance. Report by mail.

ANDREW CLARK,
Collector.

UNITED STATES INTERNAL REVENUE,
COLLECTOR'S OFFICE, SECOND DISTRICT, GEORGIA,
Savannah, December 1, 1879.

SIR: I transmit herewith a letter from John C. Hendrix, the deputy collector, who was in charge of the force of deputies who met with resistance recently in Union and Towns Counties.

I am at a loss to express my feelings in regard to these outrages, and I am compelled to say that further effort on my part to suppress these violations will be futile unless men who violate the laws are made to feel that the penalties prescribed by the same will be rigorously enforced against them.

On my return to Atlanta I will make another effort to rid those sections of illicit distillers, and will employ all the force necessary, and will call on the marshal to assist me. You will observe from the inclosed letter that there was a deputy marshal with the revenue officers. I can assure you that the plans for the trip into the mountains were well matured, and that I selected from the regular deputies my very best men—men of long experience in the service and of undoubted courage and judgment.

The same sections were frequently and successfully raided last season by a far inferior force, but within the last six months there seems to have been a general change of feeling on the part of the illicit distillers toward revenue officers. Where the

were then passive and permitted officers to canvass the county with comparative ease, they are now defiant and aggressive; and there cannot be the least doubt that the distillers construe the recent suspensions of sentence into acts of sympathy for them on the part of the courts. I do not say that their opinions are well founded, but I do say that since these sentences have been suspended my deputies report an increase of illicit distilling and other violations of the internal-revenue laws, and I believe their reports are true.

Very respectfully,

ANDREW CLARK, *Collector.*

Hon. GREEN B. RAUM,
Commissioner Internal Revenue, Washington, D. C.

UNITED STATES INTERNAL REVENUE,
DEPUTY COLLECTOR'S OFFICE, SECOND DISTRICT GEORGIA,
Dahlonega, November 27, 1879.

DEAR SIR: We left here on Monday morning, the 24th instant, twelve men in the party. We rode all day Monday and until three o'clock Tuesday morning, when we reached the Hightower River, in Towns County, on the North Carolina line. There we left our horses, and ten of us proceeded on foot to the residence of William Berrong, the notorious Hightower distiller, walking five miles after leaving our horses. Robinson, deputy marshal, having a warrant for Berrong, we went to his house; got there as day began to dawn. We surrounded his house. Just as we approached the yard he heard us and ran out of the house, undressed except for a shirt. We caught him in the yard. Instantaneous with our arresting him, the family (and a very numerous one) began to scream from every door, and would not stop halloing either from orders or threats from us. The neighbors began to answer from every direction, and before we could get him dressed they began to gather in large numbers. The distillery being about one-half mile from his residence, and reported as being simply hid away in a deep gorge in the mountains, we decided it best to get back to our horses, as horns were blowing and large numbers of men answering from every direction as far as we could hear. We went about two miles from Berrong's, being followed by a large and increasing number until we reached a narrow pass of the mountains, when we found ourselves completely surrounded by not less than thirty, if not more, armed men, and occupying such advantageous positions that we found it impossible to get through without cutting our way through, which we regarded as exceedingly risky.

After exhausting every effort to find a way out, the numbers of illicit distillers still increasing, the deputy marshal finally consented to turn the prisoner loose. This we regretted to do, but our party were all satisfied that an effort to cut through would result in several of our men being killed, and perhaps none escaping. The distillers are thoroughly organized and well armed, and apparently as courageous a set of desperadoes as I ever saw. We returned to camp, cooked breakfast, and started for Union County, another field of work, some 25 miles from Towns County. We traveled all day, and about ten o'clock at night reached the location of our work on Choustoa River. We divided our party and worked as fast as possible until about 4 a. m. on Wednesday, when we all met at the appointed place. We had seized two stills, and the deputy marshal had arrested two men. As soon as it was found we were in the county every man fled and every still was pulled.

We then went into another neighborhood in the same county, on the river, where we had several stills located. We again divided in order to go to two places at the same time. One party of six men left, and the other party advanced about a half mile, when we halted and arranged to leave our stock and take it on foot. While we were dismounting we heard some one in front calling "Come on, boys." We supposed it was our guide, as he was not to be seen that moment. The moon had gone down and it was very dark. Deputy Collector Pool suggested that he would ride down to the place where the party was calling. He left us, and some of the party followed in a moment, or as soon as they could dismount. They moved a short distance forward, when they met a large crowd of armed men. They came running back and notified us that a crowd was upon us. We got around the wagon in which we had the prisoners, and commanded them to halt. They *were pulling and pushing some one, and saying, "Push him up, damn him,"* which caused us to think they had Pool in the front. We called, "Pool," and hesitated to shoot for fear we would kill him. Just before reaching us they dodged out into the bushes and disappeared from sight. This was about 4.30 p. m. Soon our other party returned. We could hear them in the bushes, but could not see them. We soon went forward to clear the woods and see what had become of Pool. We found his horse, but could not find him. We then determined to wait until it was light enough to see, as it was near daybreak, and then find what

had become of Pool, thinking they had captured him and would hold him and demand the discharge of the prisoners as a condition to releasing Pool.

Just at daylight we discovered a man staggering in the road in our front. I went towards the person and he advanced towards me. I thought it was a man blacked or a colored man. I spoke to him, saying "Hallo," he answered, saying, "How are you?" I recognized his voice, though he had not recognized me. I then called out "Pool." He came up towards me, saying, "Do you see how they have beat me? I rode into fifteen or twenty of them, all with guns, standing on the bridge that crossed the river. They cocked their guns on me. I told them not to shoot. Some one struck me on the side of the head with a gun, which left me senseless. I came to myself a few moments since, found myself over in the field. They took me for dead and threw me over the fence. I got up and saw our party, but thought it was the party that had attacked me. I determined to go to some house. Supposed our party had been driven off." They robbed him of everything on his person—a pistol, about $23 in money, his cartridges, &c. We ascertained that they were congregating at a narrow pass of the mountains, in still larger force, about a mile in our front. We then turned and changed our direction and returned to Blairsville, where we got medical attention for Pool, and then left at 1 p. m. yesterday and reached here at 12 at night, bringing our prisoners with us. Pool is badly hurt, though I think he will recover. We will stay with him, or some of us will, until we can carry him home.

Our trip has been a comparative failure, so far as results are concerned, but has given us information of the status of things in the mountain counties, which is, in the opinion of our party, that *these counties over the Blue Ridge are in armed rebellion against the government in the enforcement of the revenue laws.*

A better party of men could not be got for cool courage and caution than ours was, but it is useless for any ten or twelve men to go into that country. Severe means will have to be adopted, and a large force employed in order to do anything in that county. We can give you details when we return to Atlanta, as writing with any correctness is impossible, as I have had only one-half night's sleep since Sunday night, the 23d, four days; and having been constantly on the move, either in the saddle or on foot, am so nervous I have doubts about your being able to read this letter.

I fear my horse is ruined; got him crippled on the road and may be delayed in getting home. One of our guides ought to have pay for two distilleries that we did not get, as he carried us to the section, and we could have got them if we had not been resisted and the whole country in arms. This is ———, guide, and he traveled a long distance and had a hired horse for nine days and nights.

Very respectfully,

J. C. HENDRIX,
Deputy Collector.

ANDREW CLARK, *Collector.*

[Telegram.]

ATLANTA, GA., *December* 2, 1879.

Hon. GREEN B. RAUM,
Commissioner Internal Revenue:

SIR: Immediately after Deputy Collector Shepard returned from Union and Towns Counties' trip, he went into Rabun County with three men and seized several distilleries, but all his men were seriously wounded in a fight with illicit distillers. One of his men was wounded five times, but, although wounded, my men kept up fire until the distillers were whipped out. It is a dreadful state of affairs, but nothing will draw me away from the performance of my whole duty. I will telegraph to-morrow, if possible, what I think is best to be done to regain the lost ground that cost so much trouble and money to get under control. There is evidently a preconceived plan on the part of illicit distillers through the entire mountain section to resist revenue officers, but my men are not flagging, but are hard at work.

ANDREW CLARK, *Collector.*

[Telegram.]

TREASURY DEPARTMENT,
OFFICE OF INTERNAL REVENUE,
Washington, December 2, 1879.

ANDREW CLARK,
Collector, Atlanta, Ga.:

You are authorized to employ one hundred and fifty armed men, if necessary, to assert and maintain the supremacy of the law. I wish you to consult Revenue Agents Wagner and Somerville, and act upon their advice with discretion and courage.

Without delay cause the arrest of the men engaged in these outrages. Call upon the marshal for all needed assistance.

Send strong parties at once into the infected counties, and seize all illicit distilleries. Keep me advised by telegraph.

GREEN B. RAUM,
Commissioner.

[Telegram.]

ATLANTA, GA., *December* 3, 1879.

Hon. GREEN B. RAUM,
Commissioner Internal Revenue:

Fifty men armed with breech-loaders will be force enough. Double this number, with such arms as I can procure here, would be less efficient. I am selecting men; ready in three days. Send immediately by express, if you can, fifty breech-loading Springfield carbines, with one hundred rounds ammunition for each piece. Think I can obtain warrants for at least forty of the mob. Will lose no time in perfecting plans. Revenue Agent Somerville concurs as to future action. Will call on marshal to aid me.

ANDREW CLARK, *Collector.*

[Telegram.]

TREASURY DEPARTMENT,
OFFICE OF INTERNAL REVENUE,
Washington, December 3, 1879.

ANDREW CLARK,
Collector, Atlanta, Ga.:

Dispatch received. Have warrants issued and arrange for co-operation of the marshal at once, so as to avoid expense of keeping so large a force long employed. Employ sober, discreet, responsible men. Go yourself or send your most responsible deputies, and say to Revenue Agent Wagner that I wish him to accompany the party.

GREEN B. RAUM,
Commissioner.

[Telegram.]

TREASURY DEPARTMENT,
OFFICE OF INTERNAL REVENUE,
Washington, December 3, 1879.

ANDREW CLARK,
Collector, Atlanta, Ga.:

Arms and ammunition will be sent you by express to-night. Where is Wagner?

GREEN B. RAUM,
Commissioner.

[Telegram.]

ATLANTA, GA., *December* 3, 1879.

Hon. GREEN B. RAUM,
Commissioner Internal Revenue:

Your instructions will be strictly followed. I will have no men on expense until ready for active operations. Wagner is in Savannah.

ANDREW CLARK, *Collector.*

[Telegram.]

ATLANTA, GA., *December* 3, 1879.

Hon. GREEN B. RAUM,
Commissioner of Internal Revenue:

SIR: Fifty men armed with breech-loaders will be force enough; double this number with such arms as I could procure here would be less efficient.

I am selecting men; ready in three days; send immediately by express fifty breech-

loading Springfield carbines with one hundred rounds ammunition for each piece. Think I can obtain warrants for at least forty of the mob; will lose no time in perfecting plans.

Revenue Agent Somerville concurs as to future action. Will call on marshal to aid me.

ANDREW CLARK, *Collector.*

UNITED STATES INTERNAL REVENUE,
COLLECTOR'S OFFICE, SECOND DISTRICT OF GEORGIA,
Atlanta, December 2, 1879.

SIR: The inclosed copy of a letter, just received from Deputy Shepard, taken in connection with my letter of 1st instant from Savannah with inclosure, shows that in the northeastern counties of my district, opposition to the enforcement of the revenue laws is at once formidable, persistent, and violent.

I had hoped that affairs had assumed such a shape in my district that determined opposition to revenue laws had practically ceased. I regret exceedingly that my hopes have not been realized.

In accounting for the present defiant attitude of illicit distillers generally, I can add nothing to the opinion expressed in my letter of 1st instant herein referred to.

There is certainly no longer any question as to the fallacy of extending immunity to offenders as a preventive of crime. My deputy, Mr. Shepard, has been warned by the law-breakers that *if he ever crosses the mountains again he is a dead man.*

I am maturing my plans for an aggressive campaign against the law-breakers in the counties in which my deputies have recently met with such formidable resistance, and it is my purpose to strike with a firm and determined hand for the extirpation of all frauds and the arrest of guilty parties.

It is not my purpose to delay active operations an hour longer than is absolutely necessary to perfect my arrangements, but my experience as a revenue officer is, that for some days after such occurrences the moonshiners are apt to be hiding out, and, therefore, suspend operations and pull out their stills.

As soon, however, as my force is in readiness and all the warrants in the hands of the marshal, I shall be on the move. My force will [be] made up of sober, intelligent men, who can be implicitly relied upon.

I shall not want for leaders, as I have at least nine regular deputies, either of whom is fully competent to take charge of the expedition and manage it successfully. If my official business is in condition to admit of it, I shall probably accompany the force in person.

My deputies are actively at work in their respective divisions, and are daily accomplishing good results.

Very respectfully,

ANDREW CLARK, *Collector.*

Hon. GREEN B. RAUM,
Commissioner, Washington, D. C.

UNITED STATES INTERNAL REVENUE,
DEPUTY COLLECTOR'S OFFICE, SECOND DISTRICT OF GEORGIA,
Toccoa, Ga., November 29, 1879.

SIR: On last night, 28th, in keeping with an appointment previously made, I made a raid into Rabun County.

On reaching Tallulah River we found it so much swollen by recent rains as to make it impossible to get our horses across, but rather than have the trip turn out a total failure, we crossed in a small boat, leaving our horses behind.

We selected two distilleries from the number located, one 10 miles, and the other 12½ miles distant, on the same route, and we determined to take it afoot and make the seizures if possible.

The first distillery we found was supposed to belong to Worth Grant, because it was located near his house, and I have been told that it was his. It was located on Wolf Creek, about 10 miles from Clayton and 27 from Toccoa, and about 8 miles off the Toccoa and Clayton road.

We destroyed the distillery as follows, bringing nothing out: Copper still, cap and worm, 1,800 gallons of beer, 150 gallons of mash, 60 gallons of low-wines, 10 bushels of meal, and 6 bushels of malt.

The distillery next seized we supposed belonged to James Turpin, the guide being of this opinion. We found this distillery in operation, and one John Stone in possession. Having no means of transporting the party, we could not do otherwise than release him, which I very much regretted to do.

At this distillery we destroyed one copper still, cap and worm, 1,200 gallons of beer, 25 gallons of low-wines, and 4 bushels of meal.

Being now very tired from our long and fatiguing journey on foot, we returned to

a point within 7 miles of where we had left our horses, and as the night was a bitter cold one and we were wet and cold, we concluded to build a fire and rest until daylight. As soon as our fire brightened up a shot was fired in close proximity to us, and deeming it unsafe to remain in the firelight, we put it out and made ourselves as comfortable as possible "without a fire."

At daylight we resumed our journey, and while passing the mouth of Tiger Creek we were fired into by a body of men, secreted in the swamp on the opposite side of the little creek. One of my men, J. M. Daniell, was wounded in five places; one shot in the head, two wounds in the wrist, one in the calf of the leg, and one in the thigh. Another, J. L. Cobb, was wounded in three places, in the leg, thigh, and mouth. The shot in the mouth passed through his lip, lodging in the mouth. Another, P. W. Pitman, received two wounds; one in the wrist, and one in the leg. Cobb's and Daniell's wounds are very severe, but are not considered dangerous.

The wound in Daniell's head is quite severe. The slug passed through his hat and a thick fold of paper, laying bare his skull. The ball seems to have ranged downwards, but its location has not yet been discovered by the physician.

Although so severely wounded, the men did not falter for a moment, but kept up a steady fire in the underbrush until the distillers were driven off.

We were not able to tell whether any of our shots took effect or not. The *bushwhackers* used shotguns loaded with slugs.

Respectfully,

W. O. H. SHEPARD,
Deputy Collector.

ANDREW CLARK, Esq.,
Collector, Atlanta, Ga.

[Telegram.]

ATLANTA, GA., *December* 4, 1879.

HON. GREEN B. RAUM,
Commissioner Internal Revenue:

Deputy Wilson and party seized distillery with eleven men guarding it. Five were arrested and others driven off. Deputy Roberts seized a large distillery in Rockdale County, destroyed 800 gallons beer, and brought out still.

ANDREW CLARK, *Collector.*

[Telegram.]

TREASURY DEPARTMENT,
OFFICE OF INTERNAL REVENUE,
Washington, December 5, 1879.

ANDREW CLARK,
Collector, Atlanta, Ga.:

Send estimate immediately for whatever allowance from fraud fund you need and draft will be sent you. I have confidence that you will not keep the force longer than necessary, I wish constant and vigorous efforts made until all the resisters are arrested if it requires fifty men all winter. Police every county where illicit distilleries are operated. Have the wounded officers well cared for; allowance will be made for surgeon's bills. Express to them my sympathy. Continue their salaries.

GREEN B. RAUM,
Commissioner.

[Telegram.]

ATLANTA, GA., *December* 5, 1879.

HON. GREEN B. RAUM,
Commissioner Internal Revenue:

Think $2,500 not enough. Will need thirty-five men for at least twenty days at $4 per day, men paying their own expenses. Will exercise most rigid economy. Men will not be under pay until they start. Marshal says he will co-operate. I expect him to furnish fifteen men. We expect to obtain warrants for forty of the outlaws. Wagner is here working with me.

ANDREW CLARK, *Collector.*

UNITED STATES INTERNAL REVENUE,
COLLECTOR'S OFFICE, SECOND DISTRICT OF GEORGIA,
Atlanta, December 16, 1879.

SIR: I have just returned from Dahlonega where I went in company with Revenue Agent Wagner to complete arrangements for my contemplated movements against illicit distillers north of the mountains.

I am, however, compelled to say that affairs in that section at this time are in a condition to make it a useless waste of time and money to send in a large force.

The outlaws have hid out their stills to be idle and have spies out in every direction watching for the "big raid."

Guides whom I expected to meet in Dahlonega had not returned, and I apprehend they cannot, owing to the vigilance of the law-breakers. Other guides have now gone into the infested districts with a view of discovering the perpetrators of the recent outrages and locating stills. I am expecting the return of one of them to-morrow, and if he proves successful I shall be possessed of important information.

It is my earnest desire, and I am determined, if possible, to rid the country of these pests. I have therefore decided to strike the section from the northwest, and remain long enough to either arrest or drive out of the country every man engaged in the illicit business. This seems to be the only proper course left me to pursue, as I am fully convinced nothing can be accomplished to compensate for the heavy expense attendant upon a sudden dash in force into the country and out.

I have decided, after giving the section a thorough purging, to locate a good deputy at some point north of the Blue Ridge, and support him with a sufficient force for any emergency. This seems to be imperatively demanded, as, with the present disposition of my deputies, the distance to be traveled to reach the work is so great that both men and horses become exhausted on the journey, and, as a result, the work is less effective and results less satisfactory.

There is another reason for this action. It is now apparent that detriment to the service results from keeping my regular deputies so much of the time out of their divisions as is necessary to raid the counties north of the mountains.

I am loth to assume the responsibility of incurring great expense unless I feel assured that I can accomplish adequate results. Whatever delay ensues will be incident to the caution I wish to observe, and in the mean time every effort will be made to insure ultimate success in the permanent suppression of the evil.

Very respectfully,

ANDREW CLARK, *Collector.*

Hon. GREEN B. RAUM,
Commissioner, Washington, D. C.

UNITED STATES INTERNAL REVENUE,
COLLECTOR'S OFFICE, SECOND DISTRICT OF GEORGIA,
Atlanta, December 19, 1879.

SIR: On the 16th instant five of my deputies, accompanied by four United States deputy marshals, went into Cherokee County to make seizures. They had seized two illicit distilleries and assisted the marshals in making the arrest of six men, two of whom were found in one of the distilleries seized, and had accomplished their work, undiscovered by any person until 4 o'clock a. m. on the 17th instant.

They had traveled about five miles on their return with the stills and prisoners in charge, and stopped to take some breakfast and feed horses when a crowd numbering about fifteen armed men rode up, inquired for the guides and began to make some very boisterous demonstrations. Meanwhile they tried to exact from the deputy marshals a promise that the prisoners should not be put in jail. They continued their demonstrations, making threats, &c., during the temporary halt of the officers, and when their preparations for continuing their journey were completed, the mob formed in line across the public road in the front of the officers, as if to resist their passage.

My deputies loaded their carbines and made preparations to fight, if necessary, and as they approached the mobbers, drove quietly along. The outlaws, perceiving the determination of the officers, gave way and allowed them to pass, saying as they did so, "Give our respects to the parties who led you in here, and tell them never to be seen in this country again." They swore vengeance against our guides, and I am now advised they are guarding the roads so closely they cannot reach Atlanta to testify in the cases. I am also reliably informed they rode into Marietta and warned the keeper of the livery stable at that place that if he again hired stock to revenue officers they would make him suffer for it.

This formidable resistance in that section will necessitate the employment of strong force in future. I am determined to have warrants in the hands of the marshal for every one of these outlaws, charging them with conspiracy; and the outlook is that we shall convict not a few of them.

I am pressing the work vigorously and need to be strengthened in every way possible.

Very respectfully,

ANDREW CLARK, *Collector.*

Hon. GREEN B. RAUM,
Commissioner, Washington. D. C.

[Telegram.]

TREASURY DEPARTMENT,
OFFICE OF INTERNAL REVENUE,
Washington, December 23, 1879

ANDREW CLARK,
Collector, Atlanta, Ga:

Letter of 19th received. I wish you and the marshal to enforce the laws with so much vigor in seizing illicit distilleries and arresting offenders and breaking up organized bands that these men will feel that the day of judgment has come. There must be no more suspension of sentences, and the court must be asked to inflict full punishment.

GREEN B. RAUM,
Commissioner.

UNITED STATES INTERNAL REVENUE,
COLLECTOR'S OFFICE, SECOND DISTRICT OF GEORGIA,
Atlanta, December 23, 1879.

SIR: Referring to the subject-matter of my letter of 19th imstant, giving some account of armed resistance to my officers in Cherokee County on 16th instant, I desire to submit the following information since received from strictly reliable sources.

It appears that after leaving Marietta, where they came to intimidate the livery-stable keeper, and to search for guides, whom they proposed to murder if found, the outlaws proceeded to the residences of the witnesses of whom they were in pursuit. Stationing a part of their force in the road, with instructions to fire upon any one approaching without halting them, the others proceeded to ransack the homes of the witnesses, with pistols cocked and uttering oaths and threats of violence against the men. They thrust their pistols, cocked, with finger upon trigger, into the breasts of quiet, peaceable citizens, men and women alike, demanding the production of the witnesses, whom they swore "should never reach Atlanta alive to testify for the G–d d——n revenue department."

Meanwhile the witnesses, aided by the darkness, eluded their would-be assassins and fled to a neighboring swamp, in which they are, at this writing, known to be concealed to save their lives. The outlaws are picketing the public roads and woods and watching every ferry to prevent the witnesses from obeying the summons of the United States court.

In the mean time, the law-breakers have sworn out civil warrants on some trumped-up charge against these witnesses in order to improve their chances for obtaining possession of them before they reach Atlanta.

I have been quietly and earnestly at work upon the matter, and on yesterday succeeded in obtaining warrants for thirteen of the outlaws, four of whom (ringleaders, too) are now in custody of the United States officials.

This morning I dispatched my most trusted deputies to the scene of these outrages for the purpose of determining the steps best to be taken for the relief of the beseiged witnesses.

Major Wagner is still here, and is aiding me materially in enforcing the law.

Very respectfully,

ANDREW CLARK, *Collector.*

HON. GREEN B. RAUM,
Commissioner, &c , Washington, D. C.

P. S.—Since closing this letter the witnesses have arrived, in charge of an escort, having lain concealed eight days in the woods and swamps, surrounded and pursued by the illicit distillers. I shall be obliged to keep them employed and concealed in some other part of the district until they have an opportunity to give in their testimony.—A. C.

[Telegram.]

ATLANTA, GA., *December* 31, 1879.

HON. GREEN B. RAUM,
Commissioner Internal Revenue:

Deputies report seizure of two illicit rum and four grain distilleries, two horses, wagon, ten gallons spirits, and destruction of large quantities of beer, mash, and spirits material also. Affairs in district unchanged and outlaws still defiant.

ANDREW CLARK, *Collector.*

UNITED STATES INTERNAL REVENUE,
COLLECTOR'S OFFICE, DISTRICT OF GEORGIA,
Atlanta, January 1, 1880.

SIR: Two guides have returned from north of the mountains, but, I am sorry to say, they bring no information upon which to procure warrants. They report the law-breakers as thoroughly organized, well armed, and determined to resist all efforts to suppress them. Both the marshal and United States assistant attorney Darnell agree with me that every means to obtain warrants should be exhausted before sending in a strong force to overcome the conspirators. If I can by any means get the same hold upon the outlaws in Towns, Union, and Rabun Counties which I now have upon the Cherokee conspirators, we can reasonably hope for permanent results. Otherwise, our efforts must soon prove comparatively futile.

I am certain that nothing satisfactory could be accomplished by an armed movement at this particular juncture, as such a course would inevitably result in bloodshed and probably loss of life. And while a sound thrashing might convince the law-breakers of the potency of the government to enforce the law, these results on the one hand would not, in my judgment, compensate for the expense and very probable loss of life on the other.

I have, therefore, concluded that it is my duty first to procure warrants, if possible, for all parties engaged in the recent outrages, and then furnish any number of armed and determined men to enable the marshal to serve them at all hazards, thus ridding the country of these pests at the same time we destroy their stills. Failing in this, it is my firm purpose to make a vigorous effort to overcome this flagrant defiance to law and order with armed force.

The marshal has in his hands a few old warrants for persons residing in the lawless sections, but most of these were issued by United States Commissioner James P. Harrison, at Dahlonega (to whom I have referred in previous correspondence), on trivial charges which could not probably be sustained; and the marshal does not, therefore, deem it expedient to attempt an expedition with warrants of this class, but advises awaiting developments which may lead to the issuance of warrants for the conspirators as a whole.

I will be thankful for any suggestions from you upon this subject.

Very respectfully,

ANDREW CLARK, *Collector.*

Hon. GREEN B. RAUM,
Commissioner, &c., Washington, D. C.

P. S.—Revenue Agent Wagner is now in the mountains trying to procure information upon which to procure warrants, and I am giving these matters my undivided attention.

A. C.

[Telegram.]

ATLANTA, GA., *January* 3, 1880.

Hon. GREEN B. RAUM,
Commissioner of Internal Revenue:

I have just seized three head of stock and wagon removing illicit whisky; two illicit distilleries; destroyed about 4,000 gallons of mash and beer; arrested operator of stills after meeting with armed resistance.

ANDREW CLARK, *Collector.*

TREASURY DEPARTMENT, OFFICE OF INTERNAL REVENUE,
Washington, January 6, 1880.

SIR: I have yours of the 1st instant, and have given the same personal consideration.

I appreciate the difficulties of the situation in your district, and approve the caution manifested by you in your preparations against illicit distillers and resisters of officers. While it is necessary to have warrants before making an attempt to arrest those who have resisted our officers, if you find that you cannot procure the necessary evidence to identify the parties so as to enable you to have the proper affidavits made for warrants there will be no reason for the abandonment of operations against illicit distillers who are known to be engaged in running their stills, and if you have sufficient evidence to warrant the belief that any considerable number of illicit distilleries are now being operated, I think it advisable to organize a sufficient force to enable you, without the probability of resistance, to make all seizures and arrests, and obtain the services of deputy marshals to accompany you in the movement.

I wish you to thoroughly police all the illicit distilling counties with a force sufficiently large to deter resistance, and seize all the illicit distilleries that are to be found, and arrest all the illicit distillers that are known to be guilty of frauds. While I fully concur with you in the opinion that you will not receive proper support from the district attorney, I am not willing that that fact shall paralyze the efforts of internal revenue officers. We must do our duty whether others perform theirs or not; and we must trust to the creation of a proper public sentiment by enforcing the laws honestly and faithfully and with moderation and courage; and if it is necessary to send out a hundred deputy collectors for this purpose, I am prepared to make you the necessary allowances to pay them.

The laws and law officers must not be overborne and remain so, but we must go forward and collect the revenues and bring violators of the law to punishment.

You are at liberty to show this letter to the marshal if you see proper to do so.

Very respectfully,

GREEN B. RAUM, *Commissioner.*

ANDREW CLARK, *Collector, Atlanta, Ga.*

UNITED STATES INTERNAL REVENUE,
COLLECTOR'S OFFICE, SECOND DISTRICT OF GEORGIA,
Atlanta, January 8, 1880.

SIR: I inclose herewith copy of a letter from Deputy Collector Shepard, from which you will see that another mountain county has an armed organization to protect illicit distillers. Warrants have been procured for a large number of men in this county, and I have a strong force about ready to move to support the marshal in serving the warrants. I have found great difficulty in securing horses and such men as will perform the service satisfactorily, and I now believe that I shall be compelled to pay not less than $4 per day for good men, who will mount themselves and pay their own expenses.

Again, I am compelled to employ my force at several different points entirely remote from the infested districts, as persons near by will neither hire stock nor work, much less fight, for me.

It will take not less than forty picked men to do the work in contemplation, and the indications are that it will require about ten days in each of the counties of Rabun, Towns, and Union, exclusive of the time necessary to rendezvous the force and reach the work. It may also occur that after reaching the North Carolina line the passage of the mountains may be attended with greater difficulties and consume more time than I now expect.

Under all these circumstances I feel assured that the funds on hand will be insufficient to meet the expenses of the trip, and I therefore ask that an additional allowance of $3,000 be made me in order that I may be able to meet any emergency.

I regret very much feeling compelled to make such a request, but I feel that the step is fully warranted by the dreadful situation of affairs in my district.

I earnestly desire to accomplish permanent results, and without unnecessary sacrifice of life or useless expenditure of money; and to do this I must employ strong and efficient force, and take plenty of time about the work.

I remark, in conclusion, that the press notices regarding our movements which occasionally appear operate to the detriment of our plans, and we find it absolutely necessary, in order to succeed, that the strictest secrecy be observed.

Very respectfully,

ANDREW CLARK, *Collector.*

Hon. GREEN B. RAUM,
Commissioner, &c., Washington, D. C.

P. S.—If there is a prospect of an additional allowance, please telegraph me so that I can act accordingly.

UNITED STATES INTERNAL REVENUE,
DEPUTY COLLECTOR'S OFFICE, DISTRICT OF GEORGIA,
Toccoa, December 31, 1879.

SIR: I have just received reliable information from Rabun County, as follows:

The entire county is organized for resistance. They have procured arms and ammunition and have adopted a pass-word. They have consolidated their distilleries and keep the roads picketed and distilleries guarded. A party of forty-six persons have organized and are running some eight or ten distilleries near the North Carolina line, and near the place where I seized the distillery of Riley Lamb.

In the forks of Tullulah and Chattorga Rivers a like organization exists, and they purchased, day before yesterday, twelve pounds of buckshot and six pounds of powder. We should act promptly.

Respectfully,

D. O. SHEPARD,
Deputy Collector.

ANDREW CLARK, Esq.,
Collector Internal Revenue, Atlanta, Georgia.

TREASURY DEPPARTMENT, OFFICE OF INTERNAL REVENUE,
Washington, January 10, 1880.

SIR: Referring to your letter of the 8th instant, in relation to operations against illicit distilleries in Rabun, Towns, and Union Counties, I have concluded to make this a co-operative movement on the part of Collectors Brayton, Mott, and yourself in the border counties of each district.

You are authorized to expend a sum not exceeding $2,000 for this purpose.

I have directed Collectors Brayton and Mott to send a force of ten or fifteen reliable men to such points as you may indicate in counties of their respective districts bordering upon yours, and at such time as you may fix. The parties in each district should arrange to communicate with each other before entering upon the work, and each party should support the other in the bordering counties.

If necessary the deputies in charge of each party may be specially authorized to act in either district, and thus secure to the movement a combined force.

You will at once communicate with Collectors Mott and Brayton, and arrange all the details, fix definitely the time and place where the parties are to rendezvous, and let there be no mistake about it. I wish the localities referred to to be thoroughly policed, and the movement to be so vigorous that all the illicit stills can be seized, and the force should be so strong as to overcome all resistance without bloodshed. Take every precaution possible to avoid failure.

Respectfully,

GREEN B. RAUM, *Commissioner.*

ANDREW CLARK, Esq.,
Collector Second District, Atlanta, Georgia.

Use the telegraph in communicating with the other collectors, so as to expedite matters.—G. B. R., *Commissioner.*

[Telegram.]

TREASURY DEPARTMENT,
OFFICE OF INTERNAL REVENUE,
Washington, January 10, 1880.

ANDREW CLARK,
Collector, Atlanta, Ga.:

Letter of 8th received. Instructions sent you by mail. Await them before action. Two thousand dollars allowed. Have ordered Collectors Brayton and Mott to co-operate.

GREEN B. RAUM, *Commissioner.*

[Telegram.]

ATLANTA, GA., *January* 12, 1880.

Hon. GREEN B. RAUM,
Commissioner Internal Revenue:

I have called on Collector Brayton to know how many mounted men he can send to Clayton, in Rabun County, and how long it will take them to reach Clayton, and from what point they will start. When I get this information I can make connection. In the mean time I will pass a force north of the Blue Ridge into Blairsville, Union County, to remain there until the force reaches Rabun County. I will telegraph Collector Mott, but think he is almost too far off to render immediate assistance, and I think I can, with Collector Brayton, succeed.

ANDREW CLARK, *Collector.*

[Telegram.]

TREASURY DEPARTMENT,
OFFICE OF INTERNAL REVENUE,
Washington, January 14, 1880.

ANDREW CLARK,
Collector, Atlanta, Ga.:

Expenses of yourself and deputies can be paid only by an allowance. Render an accurate account of expenses incurred by yourself and each of your deputies during operations against illicit distillers, and I will act with liberality. Observe economy. Push operations vigorously. Collector Brayton's force at Walhalla yesterday, and ready to co-operate.

GREEN B. RAUM, *Commissioner.*

[Telegram.]

ATLANTA, GA., *January* 14, 1880.

Hon. GREEN B. RAUM,
Commissioner Internal Revenue:

I have heard from Jillson, and to my surprise he says he cannot start from Walhalla until next Monday, on Collector Brayton's letter. I sent a force to Toccoa to-day, but I cannot use them successfully unless they start to-morrow in order to connect with the force that left Atlanta last night for north of the mountains. I now suggest that, as Jillson cannot make the time, I dismiss the men in Toccoa until next Monday, and then go into Rabun with Jillson. This will not disarrange the movements of the men that left Atlanta last night, as they can take care of their work. Answer at Toccoa at once.

ANDREW CLARK, *Collector.*

[Telegram.]

TREASURY DEPARTMENT,
OFFICE OF INTERNAL REVENUE,
Washington, January 15, 1880.

ANDREW CLARK,
Collector Internal Revenue, Toccoa City, Ga.:

Telegram received. Dispose of your force and conduct your operations as you think best, but push your work vigorously. Secure the co-operation of other collectors if possible. Do not let the movement prove a failure, even if you are not supported by Brayton and Mott. You are on the spot and can best judge what to do. Go ahead.

H. C. ROGERS,
Acting Commissioner.

[Telegram.]

TREASURY DEPARTMENT,
OFFICE OF INTERNAL REVENUE,
Washington, January 15, 1880.

ANDREW CLARK,
Collector Internal Revenue, Toccoa City, Ga.:

Brayton is here. He has telegraphed Jillson to start whenever you desire it, and has directed him to so inform you by telegraph. You may be able now to carry out original plans, but do as you think best. If further instructions in regard to Brayton's force are necessary, telegraph here.

H. C. ROGERS,
Acting Commissioner.

[Telegram.]

TOCCOA, GA., *January* 15, 1880.

Hon. GREEN B. RAUM,
Commissioner Internal Revenue:

Your two telegrams received. I will go ahead. When Deputy Jillson telegraphed me from Seneca City I asked where I could communicate with him, but get no answer. I learn through operator he has gone twenty miles beyond and into the country, my tel-

egram lying there. My men must leave here before daylight to-morrow. Will send messenger to find Jillson, and, if possible, get him to join my force at Clayton, Rabun County. My force may be too small, but to remain here is hazardous. There will be no failure on my account. Have made every point so far, and did not expect to fail to meet Collector Brayton's force to-day, which I understood was ready on Monday last.

ANDREW CLARK, *Collector.*

[Telegram.]

MOUNT AIRY, GA., *January* 20, 1880.

Hon. GREEN B. RAUM,
Commissioner Internal Revenue:

I have just arrived from Clayton, Rabun County, *en route* for Atlanta. Force from South Carolina joined my men at Clayton. The force that left Toccoa on the 15th seized four distilleries, but were bushwhacked all the way to Clayton. We lost no men. I am now policing the county thoroughly, and will visit every corner of it if guides do not fail me. I hope the special force from South Carolina may be continued in service, as there is plenty of work for them. Will inform you if I get news from the men in Towns and Union on reaching Atlanta. All works well.

ANDREW CLARK, *Collector.*

In view of the hostility and determined attitude assumed by the illicit distillers I had, as will be perceived by the foregoing correspondence, directed Collector Clark to employ a force sufficiently strong to overcome all resistance, without bloodshed, if possible.

The officers employed for this work were divided into two parties, one under the direction of Deputy Collector Hendrix, which assembled at Ellijay, in Gilmer County, to move through Fannin, Union, and Towns Counties into Rabun County, where the most desperate resistance had recently been offered. It was arranged that Deputy Collector Hendrix's party should, at some point in Rabun, effect a junction with a force under Deputy Collector Shepard which assembled at Toccoa and proceeded to Clayton, in Rabun County, where he was joined by a squad of eight officers under Deputy Collector Jillson from Collector Brayton's South Carolina district, who was directed to co-operate with Collector Clark in the counties bordering upon that State, the object being to thoroughly police the counties of Union, Towns, Rabun, and others immediately adjoining, and to seize all illicit stills and secure the arrest of the persons operating them.

The following reports give in detail the movements and operations of the officers.

Synopsis of correspondence.

1880.

Jan. 22. Collector Clark reports the movements of Deputy Collectors Hendrix and Wilson in Union and Towns Counties.
Jan. 21. Letter of Collector Clark reporting operations of his deputy collectors in Union, Towns, and Rabun Counties.
Jan. 29. Collector Clark reports the seizure of six illicit stills in Rabun County.
Feb. 1. Collector Clark reports the result of operations in the northeastern counties of his district.
Feb. 4. Collector Clark reports operations in Towns, Union, and Rabun Counties. Resistance by illicit distillers; acts of violence against witnesses.
Feb. 17. Collector Clark incloses reports of Deputy Collectors Hendrix, Ware, Wilson, Murray, and Brown, giving result of their operations and condition of affairs, and acts of violence by illicit distillers in the northeastern counties of Georgia.

[Telegram.]

ATLANTA, GA., *January* 22, 1880.

Hon. GREEN B. RAUM,
Commissioner Internal Revenue:

Deputies Hendrix and Wilson formed junction in Gilmore County, 18th instant; report seizure of large illicit distillery and destruction of 3,000 gallons beer and mash. No resistance in that quarter as yet. Combined forces moving forward without difficulty, and men conducting themselves in a most commendable manner. Good citizens lend aid and give encouragement to officers in every way they can consistently with due regard for their personal safety.

ANDREW CLARK, *Collector.*

UNITED STATES INTERNAL REVENUE COLLECTOR'S OFFICE,
SECOND DISTRICT OF GEORGIA,
Atlanta, January 21, 1880.

SIR: Having started twelve men from this point on 14th instant in charge of Deputy Collector Hendrix, with instructions to proceed to Blairsville, Union County, policing *en route* the counties of Cherokee, Gilmer, and Fannin, I went at once to Gainsville. Learning while there that it would be doubtful whether the South Carolina force could be ready to move soon enough to form a junction with Deputy Hendrix's force north of the mountains, as arranged, I immediately dispatched Deputy Collector Wilson with fifteen good men to join Deputy Hendrix's party at Ellijay, Gilmer County, and thus render him sufficient aid to enable him to act independent of assistance in the event the re-enforcements failed to make connections. I then proceeded to Toccoa City and started Deputy Collector Shepard for Clayton with a good force, with orders to work cautiously through Rabun County. I then went to Walhalla, S. C., and accompanied Deputy Collector Jillson's force from there to Clayton, Ga., where we arrived on the 18th and met Deputy Shepard's party.

En route from Toccoa City to Clayton, Deputy Shepard's force seized four illicit stills, one of them within four miles of the famous "Berrong" settlement, in Towns County. Owing to the guides' miscalculation as to distance to the last distillery seized the force was delayed twelve hours in reaching Clayton. They were out eighty-five hours without sleep, having worked all night on the 15th making seizures.

On the morning of the 16th, firing began on the party from the mountain sides and was kept up at intervals all day; but the long-range carbines carried by the revenue officers kept their assailants at such a distance that no one was hurt.

Soon after nightfall the party felt compelled to halt for the night, as the firing was so continuous that it was impossible to proceed without being placed at great disadvantage with their resisters, who could have approached in the darkness near enough to have made their weapons effectual.

The revenue officers took possession of an old stable in the valley in which to spend the night, but the owner soon informed them they could not occupy it. They then moved to an old outbuilding farther down the valley, and soon after they had taken possession of this the firing commenced on them from all sides.

The deputy then deployed his men around and at some distance from the quarters,

for the purpose of protecting his stock, and had his men to return fire wherever they saw the flash of a gun, and at once change position slightly, so as to deceive their antagonists as to their numbers.

This state of things continued during the entire night without intermission, the illicit distillers at times venturing to approach within close range and discharge their pieces at the spots where they supposed the revenue officers were concealed.

At daylight the party moved on toward Clayton with comparatively little opposition, and reached there almost simultaneous with deputy marshal's posse from Gainsville and force under Deputy Collector Jillson from South Carolina. Deputy Jillson's force is composed of first-rate men, well mounted and equipped.

The guides from "Dark Corners" in Rabun County, who were to have met us on Sunday, 18th, in Clayton, failed to report, owing to the "reign of terror" which exists in that section; and I doubt our ability to make further seizures until other guides can be secured.

The combined forces begin immediately a thorough policing of the infested sections, accompanied by a deputy United States marshal, with a large number of warrants for violators of law in that county, and, while the immediate results may not be very satisfactory, I feel assured that the presence of so large and respectable a force of revenue officers there will serve to impress the people with the power of the government to protect its officers and enforce the law at any hazard.

Lest it should be noticed that the deputy United States marshal's posse from Gainesville reached Clayton without opposition, I will state that it was not the marshal's purpose to attempt any arrests until after the respective forces had united, and he therefore studiously avoided *en route* the localities in which he had warrants to serve, and traveled by circuitous routes in order to throw off suspicion and deceive the people as to his destination or purposes. So far as my observation and experience extend, the illicit distillers respect neither politics nor persons in their opposition to law.

The latest advices from Deputy Hendrix's party are dated Canton, Cherokee County, 2 a. m. 15th instant. He reports that, owing to failure of guides to meet him as per appointment, no stills were seized in either Cherokee or Cobb Counties. He, however, reports the seizure of a "blockade" team with two casks of spirits in transport, and the arrest by the marshals of two notorious violators of law, one of whom subsequently escaped.

In the mean time my deputies have been at work elsewhere in the district. Deputy Pool reports the seizure of two illicit stills in Walker County, and Deputy Post is doing good service on the line of Georgia and Alabama.

Whether I succeed in capturing stills or not (this I will, of course strenuously endeavor to do), I now have matters in such shape as to make the business of violating the law extremely hazardous for some time to come, and I propose to make the best use possible of the means in hand.

I returned home last night via Mount Airy, on the Air-line Railroad, having been accompanied over the most dangerous part of the road by a detachment from the force at Clayton.

I will communicate with you as often as practicable.

Very respectfully,

ANDREW CLARK, *Collector.*

Hon. GREEN B. RAUM,
Commissioner, &c., Washington, D. C.

[Telegram.]

ATLANTA, GA., *January* 29, 1880.

Hon GREEN B. RAUM,
Commissioner Internal Revenue:

Deputy Shepard, in charge of raiding force in Rabun County, just reports seizure six distilleries since 21st instant; 3,000 gallons beer and mash destroyed. Revenue officers have the county under control.

ANDREW CLARK, *Collector.*

UNITED STATES INTERNAL REVENUE,
COLLECTOR'S OFFICE, SECOND DISTRICT, GEORGIA,
Atlanta, February 1, 1880.

SIR: After leaving Ellijay, Gilmer County, on the 19th instant, the combined forces of Deputies Hendrix and Wilson proceeded on toward their destination.

On reaching Morgantown, Fannin County, Deputy Hendrix, as was previously ar-

ranged, delivered to John A. Stewart, esq., his commission as deputy collector, and my instructions to him to take charge of Fannin, Union, and Towns Counties, which comprise my new transmountain division.

Deputy Stewart immediately joined the raiding force, and the sheriff of Fannin County, who is his friend, accompanied the party through that county, rendering them assistance, for which he received compensation, and promising to exert his influence to suppress lawlessness in his section. A few good citizens gave promises of moral support to the officers of the government, but it is a noticeable fact that these expressions do not generally find vent except at times when the power of the government to enforce its laws is manifested in force, and vigorous measures are on foot looking to that end.

Passing out of Fannin, the officers began to encroach upon some illicit strongholds in Union County, known as "Ivy Log" and Choeston. Here, although accompanied by guides, the revenue officers made no seizures, as it appears the news of their approach preceded them, thus enabling the distillers to pull out their stills and hide them away in the woods.

Groups of armed men were frequently met in the roads and seen upon the bluffs near the road-side, occasionally assuming very threatening attitudes, but not venturing to attack my officers.

It is and has long been obvious that the presence of a goodly number of carbines in the hands of cool and determined men exerts a very soothing influence upon the average "moonshiner," and in these instances it was this fact alone which deterred resistance and prevented bloodshed; for it was clearly apparent (if hostile demonstrations mean anything) that there was no lack of disposition on the part of the law-breakers to precipitate a collision under circumstances favorable to them.

The force moved forward, policing as they went, through Union and into Towns County. When Hiawassee, the county site of Towns, was reached, matters assumed a more serious and threatening aspect than at any time previous on the trip. Just before arriving at Hiawassee a suspicious-looking person was seen riding a horse which several of the party recognized as the property of the famous "Berrong," and from his movements it was decided that he was carefully estimating the strength of the raiding force.

The deputies immediately began to collect information and take notes of the condition of affairs with a view to determining the proper course to pursue under the circumstances. It was at length determined by the officer in charge that Berrong's support consisted of not less than 100 sturdy men, well armed, and with all the advantages of a strong defensive position in their favor; and after consultation Deputies Hendrix, Wilson, and Brown decided the revenue force was rather weak to cope with such heavy odds, (being less than 40 effective men).

After surveying the field in all its bearings Deputy Hendrix decided not to attempt to carry out the details of our plans in relation to the "Berrong" settlement, and the force was accordingly brought out of Towns County to Gainesville, from which point, to my utter suprise, Deputy Hendrix telegraphed me to come up by first train. I went to Gainesville on the 25th ultimo, and after hearing the representations of Deputy Hendrix, the officer in charge, and other officers, I decided to disband the force and await intelligence from the deputy, Mr. Stewart, before making an effort to dislodge "Berrong," the outlaw, and his followers, who have thus for the third time defeated my plans for the capture of his illicit distilleries.

Deputy Hendrix assigned as an additional reason for his sudden withdrawal from Towns County that Deputy Shepard's force from Toccoa had penetrated the mountains to within a few miles of the "Berrong" settlement and thoroughly "stirred them up." This movement on his part I regret, as my arrangements were complete to have Berrong "stirred up" from both sides of the mountains at the same time.

The force under Deputy Hendrix traversed the counties of Cobb, Cherokee, Gilmer, Fannin, Pickens, Union, Towns, Lumpkin, and Dawson. The results of this trip as to seizures were one large distillery and one team conveying illicit spirits. Deputy United States marshals accompanied this force and made some arrests.

In the mean time Deputy Shepard, with his force in Rabun County, was pushing matters vigorously and effectively; and, although formidably opposed on every hand, was accomplishing the best of results, penetrating the illicit strongholds and destroying stills. This officer reached Toccoa on the 29th and disbanded his force for the present.

The results of operations by Deputy Shepard's force in Rabun County are (partially) the seizure of eleven illicit distilleries and the destruction of over 7,000 gallons of mash, beer, low wines, &c. Several arrests were made by deputy marshals who accompanied this force a portion of the time.

Deputy Shepard in his official report speaks in the highest terms of the force sent by Collector Brayton to assist him, characterizing them as worthy gentlemen and most excellent officers. From my personal intercourse with this force I can fully concur in Deputy Shepard's views. The general results of this combined movement cannot now be determined, but I trust and believe they will all tend to improve the condition of

affairs in my immediate district and to benefit the service generally. It is to be regretted that the employment of armed force should be necessary to protect the officers of the government in the discharge of their official duties and deter armed resistance to the enforcement of the law in any State of this United States; and I hope the time will soon come when such measures will be rendered unnecessary by the peaceable and law-abiding attitude of the citizens.

The respective forces while out on duty conducted themselves in a most creditable and becoming manner—gentlemanly and officer-like in their bearing and faithful in the discharge of every duty required of them.

I sincerely regret being called upon to inform you that J. M. Starnes, a member of Deputy Hendrix's raiding party, lost his life through the accidental discharge of a carbine in the hands of a friend. They were riding side by side in the road, each of them having his piece lying across his saddle in front of his body. The cause of the discharge cannot be clearly determined, but it is believed to have been purely accidental. The ball took effect in the thigh, completely shattering the bone. The accident occurred in Towns County, and a surgeon had to be procured in Gainesville, who, when he arrived on the scene, found that amputation was necessary, as mortification had already taken place. The limb was accordingly amputated at the hip, but the poor fellow died shortly after the operation was completed. Mr. Starnes was at one time a deputy United States marshal, and has done some good service for the revenue department. He was a resident of Atlanta.

Very respectfully,

ANDREW CLARK, *Collector.*

Hon. GREEN B. RAUM,
Commissioner, &c., Washington, D. C.

UNITED STATES INTERNAL REVENUE,
COLLECTOR'S OFFICE, SECOND DISTRICT OF GEORGIA,
Atlanta, Ga., February 4, 1880.

SIR: I have the honor to report the following seizures during the month of January 1880, viz:

Nineteen illicit distilleries, and about 20,000 gallons of mash and beer (the latter destroyed for want of transportation); 200 gallons of crooked whisky; 4 wagons; 8 head of horses and mules engaged in removing the illicit whisky.

One of these teams, one illicit distillery, and 15 gallons of illicit whisky was seized by Deputy Collector John C. Hendrix, who was in charge of one of the detachments of the raiding force during the month of January. Deputy Hendrix reports that the distillers had been notified of his coming and pulled out their stills, which accounts for the small number of stills seized by his force.

Twelve of the nineteen stills were seized by Deputy Collector W. O. H. Shepard, who was in charge of the other detachment of the raiding force; and the seizures were made under very trying circumstances, the officers having met with armed resistance by the law-breakers, who ambushed them at every turn of the road during the entire trip, and only by the use of the long-range carbines were the officers enabled to police the country without the loss of life. It will be remembered that it was in this county (Rabun), only a few months ago, that I had three revenue officers wounded on one trip, and the large force with superior arms prevented the re-occurrence of these outrages on revenue officers.

The other six of the nineteen distilleries, three wagons, six head of stock, and 185 gallons of illicit whisky, were seized by other officers, and at other times, during the month.

While the number of seizures for this month is smaller than for the same period of last year, the cost of seizure is somewhat greater, owing to the remote sections in which the stills were located, and the armed resistance of the distillers, who were confined to narrower limits, and had grouped their stills in mountain gorges in order to act in concert to resist revenue officers. This was particularly the case in Towns, Union, and Rabun Counties, where small numbers of officers were almost invariably fired upon, and in many instances driven out by superior numbers of illicit distillers.

While there have been fewer violations of law in some parts of my district (in fact I have entirely put a stop to illicit distilling in large sections), in other counties there is little, if any improvement; the law-breakers resorting to not only armed resistance, but to assassinating men whom they suspect of giving information to revenue officers. I call to mind an instance where a stranger came to me for employment as informer, and was sent to locate stills, and return in fifteen days. He did not return, and about four weeks afterwards I noticed in a newspaper that an unknown man had been found in the woods with his head severed from the body, and otherwise mutilated in a bar-

barous manner; a description was given of his dress, and the remark made in the paper that he was suspected of giving information to revenue officers against illicit distillers. The description of the man left no doubt upon my mind but that he was the man I sent out.

As another instance of the bad state of affairs in some sections, I would state that during the recent raid in Rabun County, the house of John Coffer, a good citizen (who was suspected of giving me information), was attacked by a party of illicit distillers, or their friends, and considerable damage done to his property, and his life threatened. Mr. Coffer procured warrants from the State authorities for the arrest of the men, and offered as a witness John Welborn, a reliable citizen; but a man was introduced who swore he would not believe Welborn on oath, for the reason that he believed he had reported illicitdi stilleries. The witness further swore that he would not believe any one on oath who would give such information. The committing magistrates thought this sufficient testimony to impeach the witness and discharge the prisoners. I refer to this to show that while some good citizens are disposed to give information, they are in danger of personal assaults, and damage to property, without redress from the State courts. Hence it is that large bodies of men must be sent, in order to police the country infested by the law-breakers. It will be borne in mind that for three years I used my regular deputies to make seizures, but recently I found it impossible to send small numbers of men without having them fired upon and driven out. There has not been, so far as I am advised, a complaint of bad conduct on the part of my men, and while many good citizens sympathize with the government and the rigid enforcement of the law, they dare not be known, except in rare instances.

The names of parties and officers making the seizures will appear on my Form 131, for January, which will be forwarded as soon as possible.

Respectfully,

ANDREW CLARK, *Collector.*

Hon. GREEN B. RAUM,
Commissioner of Internal Revenue, Washington, D C.

UNITED STATES INTERNAL REVENUE,
COLLECTOR'S OFFICE, SECOND DISTRICT,
Atlanta, Ga., February 17, 1880.

SIR: I submit herewith, abstracts from official reports on file in my office from deputy collectors who were employed in the mountain counties of my district during the month of January, 1880.

Deputy Collector J. C. Hendrix reports in letter of January 31, 1880, as follows:

"We found persons against whom the deputy marshal had warrants all about, and stills through the country all pulled. Mr. Higdon, the sheriff of Fannin County, traveled with us two days, openly declaring his willingness to assist us in the enforcement of the law in any part of his county.

On the 20th, at Morgantown, in accordance with your instructions, I delivered to Col. John A. Stewart, a prominent citizen of Fannin County, the commission of deputy collector of internal revenue for the counties of Fannin, Union, and Towns. Stewart entered upon the discharge of his duties at once and accompanied us through his division. In Union County the civil officers and better class of citizens offered us any assistance we might require, and some of the citizens proposed to the deputy marshal that if he would give them authority they would arrest and turn over Newton West, the man who is charged with assaulting and robbing Deputy Collector Pool. Deputy Marshal Robinson was doubtful as to his power to transfer such authority, and did not do so. We saw but few men in the neighborhood where illicit distilling is carried on; they had been looking for the force for some days and had taken leave of absence.

The announcement made by the Commissioner that he would furnish force sufficient to put down illicit distilling has had a good effect, and if the district attorney and the court will inflict the punishment imposed by law upon persons found guilty, a healthy state of affairs will soon prevail all over your district. Finding nothing could be accomplished without much delay, as we had no guides, and distilleries so generally pulled out, we passed through Towns County and made our way to Gainesville on the 23d instant, where we dismissed the force. I regret to have to communicate the sad intelligence of the shooting of J. M. Starnes, one of our party, by the accidental discharge of a gun of one of our own men.

I had repeatedly ordered the men not to carry cartridges in their guns; but it seems orders were not carried out, and the result is the loss of one of our men.

I think that Stewart will be able to suppress most of the illicit distilling in these mountain counties, as the good citizens generally assured me they would lend him all the assistance necessary, and if they do so, much good will have been accomplished by the organization of the new division.

From Gainesville, by your direction, I proceeded to Clayton, Rabun County, Georgia,

and conferred with Deputy Collector Shepard, reaching him on Sunday the 25th instant. His party reached Toccoa on the 28th, where I settled with the men and arranged all expense, &c., and that force was disbanded."

G. W. Ware, deputy collector, reports, February 9, as follows:

"I would state that my observation is that there is more resistance to the enforcement of the revenue laws in the localities where illicit distilling is carried on than heretofore, and I have never received any aid from citizens in putting down lawlessness, while I would state that there are law-abiding citizens in those counties who do not sympathize with lawlessness, yet, through fear of personal danger and destruction of property, offer no assistance, except in a few instances they have informed us of danger when in the vicinity of illicit distilleries guarded by armed men awaiting our attempt to destroy such illicit distilleries. Such information was given to one of our party on the last raid, on the night of 20th of January, by one ———, whose father lived at Blairsville, near where our posse were encamped, that the road from Blairsville to Choastower District (the famous illicit distilling region) had been picketed for us for several miles; expecting the posse to make operations in that section during the night, a citizen passing the road during the night was fired upon, forced to return, who reported the facts at Mr. Wright's.

"We passed over the road the next morning; found it had been picketed at each curve of the road and each little hillock which offered the best facility for bushwhacking or ambushing should the squad have passed during the night. These picket posts were invariably upon the left-hand side of the road, and the fresh tramping of horses' feet were as discernible as those of the men who had so lately left their post. Though not attacked here, it was not to be believed that the law-abiding citizens were guarding the roads for our safety on the night before.

"On the 21st of January we passed through Union County. On our way to the illicit distillery of Berong in Towns County, at Brasstown, a horse tied to or near a fence was recognized as Berong's by Deputy Marshall Robinson and Deputy Collector Hendrix. I had never seen the horse that Berong usually rode—as on previous raids to Berong's I had been left in charge of the horses of the party while the posse approached the house of Berong. This horse (said by Robinson and Hendrix to belong to Berong) was mounted by an unknown party before we left Brasstown, and others congregated at the store where we bought provisions for dinner, whose remarks and sympathies were in opposition to the revenue laws. We camped at night four miles from Hiawassee. In Hiawassee I was informed by ———, a merchant of the place, that 75 armed men were at the head of Hightower River, in the neighborhood of Berong's illicit distillery, awaiting our arrival. I called to Deputy Marshall Robinson to hear Mr. McConnell's statement, asking Mr. McConnell if his information was from a reliable source. His reply was that it was from as truthful a man as lived in the county, and if we went into that vicinity he feared we would have trouble, as his informant stated that he had seen the men himself, and heard the firing of their guns all through the previous night. I reported the facts to Hendrix and Brown. At once a consultation was held with the officers of the posse, who decided to make the attempt.

"We had proceeded but a short distance before armed men began to make their appearance on the road side. When we reached the bridge that spans the Hightower, just three miles from Hiawassee, armed men began to be seen more numerous, six showing themselves at one place. The road that led to the Berong settlement, up the river, was also picketed by these armed men, everything we saw of them confirming the statement of ——— . They were well organized and in sufficient numbers to resist any attempt we might make to interfere with any illicit distilling.

We crossed the bridge, rode up to a church a hundred yards distant, where a second consultation was held, and each officer admitted that our force of about 25 available men was inadequate to meet these men in ambush, fortified in the hills and mountain passes, nor in open attack should we attempt to seize an illicit distillery, being outnumbered; they were able to cut off our escape, as each road to that section of country was picketed. It was but too plainly seen that nothing was left us but to make our way out as quietly as possible, and that is why we did not go to Berong's distillery."

Deputy Collector W. T. B. Wilson reports in letter of February 4, as follows:

"We withdrew from Towns County, because we did not have men enough, and the illicit distillers were only prevented from attacking us as we passed the roads because we had carbines, and a strong force, and it was after a consultation with Deputy Collector Hendrix in Towns County, and his representations to us of his information that he determined to come to Gainesville, and return to Towns County with a heavier force. While in some of the counties we met good citizens who gave us encouragement, but it was the exception and not the rule, and I am certain that all the deputies will concur with me in these views; and also, while we might have had a fight, I have no doubt that we would have cleaned them up."

Deputy Collector S. W. Murray reports in letter of February 5, as follows:

"As your deputy collector for this section I was one of the party under the com-

mand of Capt. J. C. Hendrix, lately raiding in Gilmer, Union, Tannin, and Towns Counties. My information derived during the trip was not that the violation of the law was on the decrease, but the contrary; and that in several sections the violators were banded in more or less considerable numbers to resist the execution of the law.

"Let me recite the state of affairs in the Berong settlement, Towns County, this being an apt putting.

"Wednesday night, January 21, our force, some 38 in number, encamped within 8 or 10 miles of Berong's, intending the next day to make a dash into his settlement and accomplish what we could. Approaching Hiawassee (the county site) the next morning, one of our party rode ahead to see and interview certain friends in that place and gather what news could be had, for we knew that information had gone ahead of us the day before from Brass Town by a spy of Berong's, riding one of Berong's horses, recognized by some members of our party. The information obtained in Hiawassee (and it was reliable) was to the effect that Berong had 75 armed men around him and in ambush; in fact he had many of the best citizens of Towns County enlisted, and, being near the Rabun line, had some of the worst and most dangerous elements from that county. I cannot adequately describe the road from Hiawassee church to Berong's, a distance of five miles. It is a road hemmed in for the greatest part of the way by mountain slopes and laurel thickets, running through narrow defiles, and as crooked as the Ganges. The greatest danger attends any number of men who will follow the windings of this road when it is picketed. Your posse approached the church. In sight a yell ascended from a knoll on our right, taken up from one on the left, and thence was echoed along the defiles of this road. We had a squad of good men, as good as had ever been in that country, but it was deemed advisable by your deputies, namely, Hendrix, Ware, Brown, Stewart, Wilson, and myself, together with Deputy Marshal Robinson, that we hold a consultation. The conclusion arrived at was that while we might whip in the fight, and a fight was inevitable, still it would be attended by the loss of several of our best men, and probably the greatest part, for we saw from the picketings that we would be bushwhacked at every turn, with no chance to turn upon the enemy.

"There being no other approach save this road, and it being guarded as it was, the unanimous conclusion was that for the time we had best withdraw and adopt, at a more opportune time, different tactics. Hence we proceeded on our road to Gainesville.

"I have cited Berong, as his is a good illustration of the resistance we met with here, but to a small force his settlement is by no means the only one where we have met, and the likelihood is will meet, resistance.

"It is true we have friends among the best citizens of the mountain counties, and there are many good citizens living there, but as a class they dare not give us material aid. In this particular they are under subjection to the blockaders, who have no property to lose and no fear of the law."

Deputy Collector E. M. Brown reports in letter of February 6 as follows:

"On the 14th of January we left Marietta, and passed from Cobb County into Cherokee County. About 8 p. m. we met up with a wagon containing about 15 gallons of illicit spirits, driven and owned by Matt. O. Brown, a notorious illicit vender. After taking charge of his team, and Brown taken into custody by the deputy marshal, we then passed on towards the town of Canton.

"While *en route* Brown insisted upon not traveling farther, stating as his reason that if the people found out that the officers were in the county we would be fired into, and as they did not know that he (Brown) was a prisoner, he ran a risk of being killed by his friends. I stated to him that they did not intend interfering with the officers, when he said that I did not know how well they were organized, and what they had determined to do. Our large force, no doubt, saved us from being fired into.

"As we were about entering Jasper, the county site of Pickens County, I rode into the town ahead of the force and I saw men mounted, leaving town in every direction, and was informed by a friend that these men were there to ascertain our force, and that the news of our coming had reached the county the day before. I was also informed that the distillers had been operating extensively and would have resisted a force of twenty men; but upon learning the strength of our force, had pulled out their stills and were keeping out of our way. In Gilmer County, in a notoriously bad settlement (known as the Wheeler settlement), we seized a distillery, and as we had seized four distilleries in May, 1879, in the same settlement, they had stated generally that they intended resisting the officers if they came in there again. About the time we were ready to leave the distillery, having destroyed beer, &c., a man was seen upon the mountains near by. I rode up to where he had been seen, and as I approached him, he drew his pistol and would have fired had I not been too quick for him. We found three armed men in the vicinity of the distillery, and three rode after us after leaving the woods and challenged us to return. Again, the size of our force and arms, no doubt, saved a collision. While remaining over Sunday in the vicinity of Ellijay, Gilmer County, it was rumored that a force had gathered in the edge of Fannin County, known as

'Fighting Town,' and intended firing on us as we crossed the mountain, but as we took a different route and did not pass through that gap, we did not learn whether the report was true or false; but do know that the news was carried ahead of us by the citizens. In Union County we saw groups of men gathered together, some having guns, but no public demonstration was made against us or no firing done. In passing through Towns County and after passing Hiawassee, the county site, we were informed of superior numbers having gathered in the Berong settlement, on the Hightower River, and intended bushwhacking us. As we would pass through the mountains passes every prominent point was manned, and a complete 'signal corps' was found. Armed men could be seen in every direction. Captain Hendrix's advice was to return to Gainesville and secure a larger force. Plans had been made to capture our horses if we left them in the valley, and us afoot.

"I found that while some few of the citizens seemed disposed to help us, or talk that way at least, that the majority were reticent, and in many instances give exaggerated reports, and am inclined to think are in sympathy with the violators, and will render them all the assistance they can by giving information of any raids, or anything else that would foil the plans of the officers in either securing the arrest of an illicit distiller or prevent the seizure of their distilleries."

Very respectfully,

ANDREW CLARK.
Collector Second District, Georgia.

Hon. GREEN B. RAUM,
Commissioner Internal Revenue.

The foregoing correspondence shows the present condition of affairs as to the enforcement of the internal-revenue laws in the northeastern counties of Georgia, but for a more perfect understanding of the operations of this bureau in that district, and the necessity of employing a large force of officers, it is necessary that the House of Representatives should be more fully informed as to the condition of affairs which has existed in that district for three years immediately preceding this last outbreak, which is merely a repetition of the violent and forcible demonstrations by illicit distillers and their spmpathizers which have frequently occurred.

In January, 1877, it became known to this office that illicit distillation was carried on to an unusual extent in Georgia. I called to Washington Revenue Agent Chamberlin, who was in charge of a division embracing this district, and after conferring with him in regard to the extent and locality of these violations of law, I directed him to commence, in conjunction with the collector's force, active operations to suppress the same. I sent Revenue Agent Grimeson to assist him. A small detachment of the United States troops then in garrison at Atlanta was detailed to accompany the officers to aid them in arresting offenders.

This force was met with formidable resistance, and Lieutenant McIntyre, of the Second United States Infantry, in command of the detachment of troops, was brutally murdered.

The following correspondence shows the condition of affairs and the result of the operations at that time:

Synopsis of correspondence.

1877.

Jan. 8. Letter from Collector Clark in relation to the increased number of illicit distilleries in his district.

Jan. 15. Letter from Collector Clark reporting seizure of distilleries and the release of property and arrest of officers on process issued from State courts.

Feb. 10. Revenue Agent Chamberlin reports the seizure of 26 distilleries and the arrest of 56 illicit distillers.

Feb. 12. Revenue Agent Chamberlin reports the seizure of illicit stills and the arrest of distillers.

Feb. 13. Revenue Agent Grimeson reports formidable armed resistance by illicit distillers, and the murder by them of Lieutenant McIntyre, Second United States Infantry.

Feb. 14. Revenue Agent Chamberlin reports the seizure of illicit stills, and efforts to recover the body of Lieutenant McIntyre.
Mar. 6. Revenue Agent Chamberlin reports operations against illicit distillers in Northeastern Georgia and the capture of one of the boldest of the outlaws.
Mar. 8. Revenue Agent Chamberlin reports that 88 illicit distillers have been arrested or surrendered since the 1st instant.
Mar. 23. Letter from Collector Clark giving an account of his endeavors to secure co-operation of State officers and citizens, and create public sentiment in favor of enforcing the laws.

UNITED STATES INTERNAL REVENUE,
COLLECTOR'S OFFICE, SECOND DISTRICT, GEORGIA,
Atlanta, January 8, 1877.

SIR: It becomes my duty to call your attention to the increased number of illicit distillers in this district. I have taken out over 100 warrants, which are yet in the hands of the United States marshal, with the exception probably of 10 that have been served.

There are 84 counties in this district, and over 1,200 registered distilleries.

I have in the district nine deputies and one clerk to do all the work pertaining to their regular duties, and, at the same time, try to break up the illicit distilleries which, in my opinion, number not less than 400.

These illicit distilleries are operated by men of desperate character, and located generally in places remote from railroads, and in neighborhoods where, from fear of damage to their property, the better class of citizens will not give lodging or food to revenue officers, much less assist them in breaking up the distilleries or making arrests.

My deputies are compelled to travel to and from the legal distilleries, and visit all parts of their divisions, and should they succeed in breaking up a portion of these illicit distilleries, their usefulness would be at an end unless sustained by a marshal's posse.

I understand fully that the appropriations made by the last Congress have materially crippled the service; but there is not a worse district in the United States than this one; more illicit distilleries, and in the hands of the most desperate men; besides, the whole white population, with a few exceptions, can never be relied upon to aid a revenue officer in discharge of his official duties, and the colored people dare not give any assistance.

I am informed by the distillers who pay their taxes that should they be known as informers their property would be burned.

The immense corn crop made last year has no doubt had much to do with the starting of these illicit distilleries, as it is the largest crop made in this county in fifteen years.

If you will give me assistance, I will exert myself to break up every illicit distillery in the district.

An early answer is requested.

Respectfully, &c.,

ANDREW CLARK, *Collector.*

HON. GREEN B. RAUM,
Commissioner of Internal Revenue.

UNITED STATES INTERNAL REVENUE,
COLLECTOR'S OFFICE, SECOND DISTRICT, GEORGIA,
Atlanta, January 15, 1877.

SIR: I would respectfully report the seizure of the following property made by my deputies, and belonging to illicit distillers, for whom I have sworn out warrants:

Fifteen stills, caps, and worms; one yoke cattle; one wagon. The deputies destroyed about 1,200 gallons of beer and mash, also three stills, that could not be moved. All of the parties have been arrested except three, and they soon will be, although it is hard to do much of this work without soldiers or a marshal's posse, and the marshal does not always have funds to pay men with, and there are no soldiers here now, and I shall have to rely on my regular force and a few special deputies, although it is at this time very dangerous for a few men to make raids or attempt to seize or make arrests.

On the 12th instant one of my deputies and a deputy marshal seized two mules and one horse that were hauling illicit whisky. The owner of the team escaped, and took out warrants at the next town for the deputy collector and deputy marshal, charging

them with highway robbery, and ten men were sent in pursuit of the seizing party to serve these warrants, and when in sight fired on them, wounding the deputy marshal's horse. They then took into custody the seizing party and the property, but I hope to recover the property and have the parties engaged in this highhanded outrage punished, and to that end I have had warrants issued for every one engaged in it, and will have the parties now in arrest by State authorities released under writ of *habeas corpus*.

Very respectfully,

ANDREW CLARK, *Collector.*

Hon. GREEN B. RAUM,
Commissioner of Internal Revenue.

UNITED STATES INTERNAL REVENUE,
Cartersville, Ga., February 10, 1877.

SIR: I have the honor to report that a detachment sent out last night arrested fourteen distillers and destroyed five distilleries, with large quantities of material prepared for distillation.

Since the 4th instant my forces have arrested 56 distillers, seized and destroyed 26 distilleries, and upwards of 25,000 gallons of beer, mash, low wines, &c., and one pair mules and wagon.

Very respectfully, your obedient servant,

GEO. B. CHAMBERLIN,
Revenue Agent.

Hon. GREEN B. RAUM,
Commissioner Internal Revenue, Washington, D. C.

UNITED STATES INTERNAL REVENUE,
Cartersville, Ga., February 12, 1877.

SIR: In addition to former reports, I have the honor to report the arrest of 12 more distillers, the destruction of 5 more distilleries, and the seizure of one pair horses and wagon, in Haralson County. Also the arrest of 14 more men and the destruction of 3 more distilleries in counties of Fannin and Gilmer.

Since the 4th instant, the commencement of my present operations, 84 arrests have been made, 33 distilleries destroyed, and one pair of mules and one pair of horses and two wagons seized.

Very respectfully, your obedient servant,

GEO. B. CHAMBERLIN,
Revenue Agent.

Hon. GREEN B. RAUM,
Commissioner Internal Revenue, Washington, D. C.

UNITED STATES INTERNAL REVENUE,
Atlanta, Ga., February 13, 1877.

DEAR SIR: I have just returned from Gilmer County, where I have been operating for the past ten days. We have done some effective service in Gilmer County, and if it were not for the unfortunate occurrence which resulted in the death of Lieutenant McIntyre I would regard the raid as being a great success.

The detachment sent with me to Gilmer County have made seven seizures, destroyed 25 distilleries, and arrested 40 illicit distillers.

I have also sworn out 131 additional warrants.

The circumstances connected with the death of Lieutenant McIntyre are as follows:

On the night of the 10th instant our party visited the locality known as the Frog Mountains, and at 2 o'clock a. m. Lieutenant McIntyre, one soldier, and three deputy marshals entered the house of one Jones, for the purpose of arresting him; not finding him in the house, they took seats in front of the fire to warm themselves, while the balance of the detachment were in the mountain looking after an illicit distillery. The house which Lieutenant McIntyre and party occupied was surrounded by about 30 illicit distillers, part of their force entering the house and commenced firing on the troops and government officers. The lieutenant was shot through the heart and fell dead instantly. Our men were then compelled to retreat to the mountains, leaving the body of Lieutenant McIntyre in possession of the attacking parties.

Both parties remained within hearing distance of each other until daybreak, when a messenger was sent to Captain Cook, commanding the troops at Ellijay, for re-enforcements.

The re-enforcements arrived at about two o'clock, when a sharp firing commenced between the troops and illicit distillers.

As soon as the illicit distillers withdrew from their position, we recovered the body of Lieutenant McIntyre; but found that he was robbed of his watch, pocket-book, and every thing of value that he had about him. His body was then sent to the post at Ellijay, where a coroner's inquest was held, and the jury rendered a verdict that the deceased had come to his death by a bullet fired from a gun in the hands of an unknown person. The remains of the lieutenant were then forwarded to his family at Atlanta, Ga.

I sent a telegram to the office at Centreville, notifying you of his death. I also reported the facts to Collector Clark and Revenue Agent Chamberlin.

I am now of the opinion that our force is not sufficient to suppress the illicit distilling in this district. I have but ten government horses with my detachment, and they are worn out, and must have three or four days' rest before we commence operations again. I am taking the best possible care of the stock and my detachment, but in order to capture stills it requires prompt action, as many of them are removed just before we get to the distillery. If we had twice the number of horses our work would be much more effective.

I find that the illicit distillers receive most of their encouragement from the parties operating these small registered distilleries. They purchase all the blockade whisky they can get, and sell it as their own whisky, from a package in their retail room which is filled up from time to time with illicit whisky.

I should like to have a personal interview with you in relation to the frauds in this district. I could better explain the existing troubles, and would no doubt be able to make some suggestions that would be of advantage to the service.

Revenue Agent Chamberlain has ordered his detachment to Gilmer County, and he will leave for Ellijay to-morrow morning.

Very respectfully,

THOS. J. GRIMESON,
Revenue Agent.

Hon. GREEN B. RAUM,
Commissioner of Internal Revenue, Washington, D. C.

UNITED STATES INTERNAL REVENUE,
Cartersville, Ga., February 14, 1877.

SIR: I have the honor to report that a small detachment sent out last night into Haralson County arrested five distillers and destroyed two distilleries.

I shall now operate for a while in the counties of Murray, Cherokee, Gilmer, and Fannin, and after I clean out the murderers and distillers in that section will turn my attention to the counties bordering on Carolina.

My first efforts will be to capture the murderers of Lieutenant McIntyre, which I hope to do within the next ten days.

Very respectfully, your obedient servant,

G. B. CHAMBERLIN,
Revenue Agent.

Hon. GREEN B. RAUM,
Commissioner Internal Revenue, Washington, D. C.

UNITED STATES INTERNAL REVENUE,
Dahlonega, Lumpkin County, Ga., March 6, 1877.

SIR: I have the honor to transmit the following report of my operations against the illicit distillers of Northeastern Georgia since the 2d instant, to wit:

On Friday, March 2, at 1 o'clock p. m., left this place, accompanied by a detachment of fourteen mounted infantry, under command of Lieut. James Miller, of the Second Infantry, a deputy United States marshal, deputy collector, and guides.

Arrived at Dawsonville, Dawson County, at 7 o'clock p. m., same day; there took supper, fed and rested stock for one hour, then proceeded to field of operations. Divided the forces and raided Dawson County in various directions during the night; arrested nine distillers and destroyed four distilleries, also found several distillery shelters from which stills had but recently been removed.

Returned to Dawsonville at sunrise of the 3d, rested until 3 o'clock p. m., then saddled up and set out for a raid into Forsyth and Cherokee Counties.

During Saturday night and Sunday morning arrested twenty distillers and destroyed ten distilleries; returned to Dawsonville on Sunday night, after a long march of about 60 miles.

One of the persons arrested in Forsyth County was the famous guerilla chief and bushwhacker Harrison Barker, who has for a long time been the terror of all civil officers of the government in this section.

On Monday morning, March 5, we left Dawsonville, arriving here about 3 o'clock p. m., having been out for three days; traveled about 120 miles, arrested 30 persons for various violations of the revenue laws, and destroyed 15 distilleries, with large quantities of beer, mash, wort, &c.

During my absence on above raid other scouting parties, operating from here in different directions, arrested 29 distillers and destroyed 6 distilleries.

In addition to this work, 18 distillers, tired of being hunted down, and fearing arrest and punishment, voluntarily came to this place from a long distance and surrendered themselves to the deputy marshals.

The opinion is spreading that it is useless to longer resist the enforcement of the United States laws; the vigorous operations now being prosecuted are having a wonderfully good effect, and if they are continued, as of course they must be, but little time will elapse before large numbers of registered distilleries will be in operation throughout this district, and the money now being expended for the suppression of illicit distillation will flow back into the Treasury tenfold. A few more telling blows, such as have already been struck, are all that is necessary to produce the desired result and add immensely to the revenue.

Since I commenced operations here, on the 1st instant, 65 persons have been arrested, 21 distilleries and upwards of 30,000 gallons of beer and mash have been destroyed, and 18 distillers have voluntarily given themselves up.

There will be no cessation in my operations. I propose to see that the laws are enforced.

Very respectfully, your obedient servant,

GEO. B. CHAMBERLIN,
Revenue Agent.

Hon. GREEN B. RAUM,
Commissioner Internal Revenue, Washington, D. C.

UNITED STATES INTERNAL REVENUE,
Dahlonega, Lumpkin County, Ga., March 8, 1877.

SIR: I have the honor to report that since my report of the 6th instant 23 distillers have come in and voluntarily surrendered themselves, making a total of 88 distillers arrested and surrendered since I came here on the 1st instant.

As no further arrests are to be made, I shall mount a full company of infantry and travel from county to county, destroying all stills wherever I discover them.

Very respectfully, your obedient servant,

GEO. B. CHAMBERLIN,
Revenue Agent.

Hon. GREEN B. RAUM,
Commissioner Internal Revenue, Washington, D. C.

UNITED STATES INTERNAL REVENUE,
COLLECTOR'S OFFICE, SECOND DISTRICT, GEORGIA,
Atlanta, March 23, 1877.

SIR: I inclose herewith the Constitution, a daily paper published in this city, containing some resolutions passed by the citizens of Fannin County; also a copy of a letter from me to the signers of these resolutions.

I have determined to appoint the eight special deputies from among these people, regardless of their politics, first getting the recommendation of the representative men in the sections infested with illicit distillers. I have tried every other means in my power to get the support of the press and State officials, but have signally failed.

I am well aware that it would go far towards breaking up illicit distilling if the press and State officers would plainly tell these law-breakers that henceforth no apologies would be made for their violations of law, and that if they were arrested the law-

abiding citizens would not go upon their bonds in order to relieve them, but on the contrary the government would be fully sustained in enforcing the law.

I shall continue, as in the past, to use my regular deputies to obtain information, which will be sent to these extra deputies, they at the same time receiving in every way possible my full support.

I shall call upon the county and State officials to give the promised support when asked so to do by the deputy collectors.

I have the promise of leading men connected with temperance organizations to furnish me with information against illicit distillers, as well as men appointed to enforce the laws.

I will, as soon as possible, report the names of the eight extra deputies; but I find that the "good citizens" are inclined to differ as to who should be appointed.

In conclusion, I wish to say that all charges, either direct or implied, against my deputies are utterly groundless. I have, without a single exception, sober, honest men, who are above reproach in their respective communities; and if the extra deputies do not prove to be good men, I shall remove them at once. But, on the other hand, should the people give me the promised support, and these deputies prove equal to the emergency, I shall frankly admit it.

Very truly and respectfully,

ANDREW CLARK, *Collector.*

Hon. GREEN B. RAUM,
Commissioner Internal Revenue, Washington, D. C.

In March, 1877, through the efforts of prominent citizens of Georgia, who gave assurances that if executive clemency should be extended to persons complained of for illicit distillation, they would thereafter desist from their illicit practices, and obey and respect the revenue laws, President Grant granted amnesty for past offenses to all such illicit distillers in the judicial district of Georgia who should come into court and plead guilty to the offense charged. Under this act of executive indulgence 792 persons charged with illicit distilling and other violations of internal-revenue law were discharged by the court.

It soon became apparent that the evil was not remedied, and that stills were being operated illicitly throughout the district, notwithstanding the assurances given and the clemency extended by the government. During the months of April, May, and June, 1877, 26 stills were seized.

The resistance to the enforcement of the laws continued as before.

About this time I understand it was urged, I know it was hoped, that concession of the appointment of a Democratic United States marshal would mitigate the opposition to the observance and the enforcement of the laws. Illicit distillers, however, when put to the test, resisted, bushwhacked, and shot Democratic and Republican officers with rigid impartiality. Their opposition to a whisky tax was too deep-seated, and had been encouraged by too much political discussion condemning this tax, to give way to the presence of a Democratic marshal and his deputies.

The resistance to the marshal's force in Georgia has been quite as persistent since 1877 as before, and but recently, on the 20th instant, Deputy Marshal Bolton, in attempting to arrest an illicit distiller named Norton, in Milton County, was forcibly resisted by Norton and several of his companions, who fired upon the deputy marshal's party. A desperate fight ensued, and the arrest of Norton was not effected until one of the assailants was shot and Norton knocked down.

I give the following extracts from reports received at this office from the collector of the second district of Georgia of resistance to marshal's force during the term of office of the present marshal:

In Campbell County, in the latter part of January, 1877, the marshal's posse were assaulted in the public highway by illicit distillers, two horses were killed, and a guide badly wounded.

In February, 1878, a deputy marshal who had made some arrests in

Pickens County was attacked in a house in which he had stopped over night, and forced to release the prisoners who were then in his custody.

In September, 1878, Deputy Marshal Lumsden and posse, while attempting to arrest illicit distillers named Ennis, in Hancock County, were assaulted, one of the posse was killed, and another dangerously wounded.

In December, 1879, Deputy Marshal Robinson's posse was attacked by a body of armed illicit distillers in the High Tower Mountains, and were forced to release an illicit distiller named Berong whom he had arrested on a warrant.

The following correspondence will give information as to the operation of this bureau touching the enforcement of the internal-revenue laws since March, 1877, in said district:

Synopsis of correspondence.

1877.

December 28. Collector Clark reports condition of affairs in his district in respect to illicit distillation.

December 29. Collector Clark reports seizure of stills and armed resistance by illicit distillers.

1878.

January 7. Collector Clark reports determined resistance by illicit distillers; states that his officers have been fired upon.

January 28. Collector Clark reports rescue from the marshal's force of one of his guides and the shooting of him by illicit distillers.

February 5. Letter from Commissioner of Internal Revenue to Collector Clark, directing him to take measures to overcome all resistance to his officers.

February 18. Collector Clark reports that his officers have been attacked by illicit distillers.

April 26. Collector Clark reports the rescue of property seized, by armed men in Franklin County.

April 30. Letter from Commissioner of Internal Revenue to Collector Clark, directing him to take measures to recover property forcibly taken from officers and to enforce the law at all hazards.

June 3. Report of Collector Clark of illicit distilleries seized and persons arrested.

July 13. Letter from Commissioner of Internal Revenue to Collector Clark, instructing him to encourage the establishment of legal registered distilleries with a view to suppressing illicit distillation.

1879.

January 20. Collector Clark reports acts of resistance to his officers by armed bodies of men in his district.

January 25. Letter from Commissioner of Internal Revenue to Collector Clark, informing him that an appropriation is expected to be made which will enable him to resume operations in his district.

January 29. Collector Clark reports attack upon his force by armed men in Cherokee County and the shooting of three of his officers.

February 15. Collector Clark reports the arrest upon State warrant and persecution of a person who had guided his officers to illicit distilleries.

February 21. Collector Clark reports seizures of stills during the month and a fight with the illicit distillers in Rabun County.

March 6. Letter of Commissioner of Internal Revenue to Collector Clark, as to plan of operations for the suppression of illicit distillation in his district.

March 12. Collector Clark reports the shooting of one of his guides in Rabun County.

June 13. Collector Clark sends report of persons killed and wounded and outrages committed against internal-revenue officers and employés while in the performance of their duty.

July 18. Collector Clark reports an attack upon a citizen in Pickens County by illicit distillers who supposed he had given information against them.

UNITED STATES INTERNAL REVENUE,
COLLECTOR'S OFFICE, SECOND DISTRICT, GEORGIA,
Atlanta, December 28, 1877.

SIR: In reply to yours of 22d instant asking that I make a report in detail as to what I am doing to suppress frauds in my district, you are informed that I have kept the special deputies constantly traveling through the sections infested with illicit distilleries and blockaders, and I have also required my regular deputies to give as much time to the suppression of frauds as they could spare from the performance of their regular duties, and the results of our work since the pardon was extended last April up to the present time are the following seizures, viz: 2 horses, 8 mules, 4 oxen, 8 wagons, 6 sets of harness, 42 packages containing 1,049 gallons of illicit spirits, and 35 illicit distilleries, with an aggregate of not less than 25,000 gallons of mash and beer. Seven of the distilleries seized had very large, new copper stills of 80 to 100 gallons capacity each, and were located in well-built houses and all arrangements substantial. The producing capacity of these 7 was not less than 150 gallons per day, and that of the remaining 28 would average about 10 gallons per day each.

The seizures, however, are by no means all the services which have been performed by the deputies, as a great many violations of law have been detected and arrests made where no seizure followed; and I would add, on the other hand, that many seizures were made where as yet no arrests have been made.

There have been, during the period referred to, 42 men bound over for illicit distilling, 10 for removing illicit spirits, 2 for concealing, 8 for working in distilleries, 4 for hauling to distilleries, 20 for retailing, and 2 for wholesaling spirits without license.

After allowing a large percentage for acquittals of really guilty parties, something approximating a reliable estimate can be made of our actual services.

As to whether there has been any real improvement in the condition of things, I can only say that at this time last year there were fully five times as many illicit distilleries in operation as there are now. And I am willing to account for this state of affairs in part by a change of sentiment on the part of a few good people in some localities; but the main reasons for this diminution in numbers of distillers and blockaders is not due, as claimed by the district attorney, to the pardon of 800 of them, nor to a change of sentiment among lawbreakers toward the government, but it is due to the extraordinary exertions of the government to suppress fraud, and through the deputies riding among them constantly they have become impressed with the idea that, at least, it is not a safe business.

Another reason, however, for the falling off in illicit work is that while in remote sections the fruit brandy is so abundant and cheap there is very little demand for whisky, and consequently not much inducement to the illicit distiller; but it is now noticeable that in sections where the supply of brandy is nearly exhausted the illicit work is commencing, and I predict that by the last of January I will have full work for eight men to make the seizures, four of whom I hope to get from the marshal, he thinking that I can furnish warrants enough to give them work.

I can assure you that nothing could give me more pleasure than to be able to say that my regular deputies had this lawless class under control, and would therefore not ask the continuance of the special force did I not know positively that my regular force, with the assistance of Deputy George, were utterly inadequate to the task.

In view, then, of the formidable obstacles to be overcome, and the fact that periodical raids have proven ineffectual, I am convinced that a force, as at present, kept constantly traveling through the infected sections is the only means by which the blockade operations can be checked and ultimately suppressed.

Referring again to the causes of the diminution in numbers of illicit distilleries and violations of the revenue laws generally, I would say in conclusion that the wise and efficient measures adopted by the department, followed by their vigorous prosecution, are the only effectual causes, and their continuance will doubtless be productive of the most beneficent results.

Very respectfully,

ANDREW CLARK, *Collector.*

Hon. GREEN B. RAUM,
Commissioner of Internal Revenue.

UNITED STATES INTERNAL REVENUE,
COLLECTOR'S OFFICE, SECOND DISTRICT, GEORGIA,
Atlanta, December 29, 1877.

SIR: Deputy Collector James A. George and a guide named George T. Cole left here three days ago to seize a distillery in Butts County, in one of the most dangerous neighborhoods in the State. I was unable to send more men because of their absence on other duty, and the case demanded my immediate attention. Consequently, Mr.

George proposed to go, and after riding 60 hours reached the place, finding a large log steam-distillery, capable of producing 50 gallons per day. There were 43 beer-stands, 8 of which were full.

On entering the premises fire was opened on them from six or seven men that had taken position so as to prevent the deputies from entering the still-house, but they reached it and found two men, who tried to make their escape, but were prevented by the seizing officer, and kept while the distillery was being destroyed, which had the effect of stopping the firing, and when they left the premises they kept these two men until they were out of the neighberhood, when they released them.

There can be no question but what these two men were put into the still-house to defend it, and would have done so had not Mr. George got into the house before they knew there was more than one man. I had this case in view when I referred to old warrants not being served (see page 5 of letter inclosed). I tried to have an old warrant raised in order to get this man, but could not; consequently I made the seizure, and must now take out a new warrant for the old offender, who would not condescend to accept the pardon so freely tendered, but after all got the benefit of it.

I have no idea that he will be arrested, but will commence his illicit work again at once in some other neighborhood. I will, however, give him no rest so long as I have a man to send after him.

I have several men traveling to locate illicit distilleries for the $5 reward, and if I can have men to make seizures immediately on receipt of information I will at least keep down much illicit work.

Very respectfully,

ANDREW CLARK, *Collector.*

Hon. GREEN B. RAUM,
Commissioner of Internal Revenue.

UNITED STATES INTERNAL REVENUE,
COLLECTOR'S OFFICE, SECOND DISTRICT, GEORGIA,
Atlanta, January 7, 1878.

SIR: I have the honor to report the following seizures made in my district during the month of December, 1878, to wit: 41 illicit distilleries, 5 mules, 2 horses, 1 ox, 5 wagons, about 100 gallons of illicit spirits, 11 hogs, 100 pounds of manufactured tobacco, and about 50,000 gallons of beer, mash, low wines, and spirits destroyed on the premises where seized.

Thirty-six of the stills, caps, &c., seized were brought out, and in many instances the distilleries were so remote from the public highways and so carefully hid away in the gulches and gorges of the mountains, that the stills had to be carried on the shoulders of my deputies distances of from one to three miles, often through rain, snow, and sleet, in order to get them to wagons for transportation; and in no case was a still destroyed where there was the shadow of a possibility of bringing it away.

The number of seizures made in this month are unprecedented in any one month in this district since the enactment of the revenue laws; and I have never known, since I entered the revenue service in 1869, such bitter hostility to the laws as now exists in the section traversed in making these seizures.

All the above seizures were made by my regular deputies and guides, without even the assistance of a marshal's posse.

One year ago the indications were that the obstacles to the enforcement of revenue laws which had so long existed were being speedily removed, and I then had strong hopes that we had reached the beginning of the end of our troubles with illicit distillers; but the above seizures made within a single month, in view of the formidable resistance met with, are conclusive proof to the contrary.

I regret being called upon to state that from the commencement of my fall and winter work for the suppression of illicit distilling and other violations of law I have been confronted with the most bitter and determined opposition, armed bodies of men guarding the approaches to the illicit distilleries, and waylaying the roads for my deputies, and in several instances firing upon them.

The force of eight deputy collectors, with guides, which I sent out on the 11th ultimo to raid on the North Carolina line north of the Blue Ridge Mountains, were in one instance fired upon by about twenty men in ambush who had waylaid the road for them. A brisk skirmish took place, and my deputies succeeded in driving them off without any one being hurt on either side, so far as is known.

On another occasion a considerable number of armed men assembled in a mountain pass for the purpose of resisting the passage of the deputies. The posse having seizures to make in different localities at the same time had been temporarily divided,

and five of them encountered this force of about thirty men, well armed, securely lodged in a gorge of the mountain.

Satisfied of their inability to force a passage against such heavy odds, and as night was coming on, and they had to meet guides and make seizures in other localities, they did not attempt it. The entire force would, however, have been insufficient to dislodge them had they made the attempt to do so.

If it had been possible for me to have understood the precise nature of the obstacles to be overcome, and the intense bitterness of the people whom my men were to encounter on the trip referred to, I should have sent a much stronger force.

Very respectfully,

ANDREW CLARK, *Collector.*

HON. GREEN B. RAUM,
Commissioner of Internal Revenue, Washington, D. C.

UNITED STATES INTERNAL REVENUE,
COLLECTOR'S OFFICE, SECOND DISTRICT, GEORGIA,
Atlanta, January 28, 1878.

SIR: In my letter of the 21st instant I mentioned the fact that civil warrants had been taken out by illicit distillers for two guides, and an attempt made to serve them while the guides were in court as witnesses, and that being fully satisfied that the warrants were sworn out simply to get them into the hands of murderers, I had the said witnesses sent to jail in default of bail in order to save their lives.

On the night of the 26th instant the deputy marshals wanted one of the men above referred to to accompany them as a guide to point out the men for whom warrants were issued.

They started, accompanied by the guide, on the night of the 26th instant, to make the arrests; and the result is, the guide badly wounded and two horses shot. The posse were ambushed and about twenty-five shots fired at them. The guide's horse was shot four times, and he, dismounted and wounded, was left, and told by the deputy marshals to make his way back to Atlanta, and they would find citizens to help them to make the arrests. But it appears, finally, that none of the citizens would have anything to do with the posse unless it was to waylay and kill them if possible.

I regret exceedingly that it is true that within twelve miles of this city such a neighborhood exists; but the facts above stated prove that my judgment was correct in opposing the use of the guides on the occasion referred to.

Very respectfully,

ANDREW CLARK, *Collector.*

HON. GREEN B. RAUM,
Commissioner of Internal Revenue.

TREASURY DEPARTMENT,
OFFICE OF INTERNAL REVENUE,
Washington, February 5, 1878.

SIR: Your letter of the 28th ultimo, detailing the manner in which one of your guides was fired upon and wounded by illicit distillers while with a marshal's posse, is to hand and duly considered.

The illicit distillers all over the country are ready to resist the officers of the law by force of arms at all times, without reference to politics. In fact, this business of defrauding the revenues is not a political question. I am pressing the illicit distillers vigorously in all parts of the country, and I hope nothing will be left undone in your State to break the business up. Any additional help that you may need will be cheerfully given.

Respectfully,

GREEN B. RAUM, *Commissioner.*

ANDREW CLARK, Esq.,
Collector, Atlanta, Ga.

UNITED STATES INTERNAL REVENUE,
COLLECTOR'S OFFICE, SECOND DISTRICT GEORGIA,
Atlanta, February 18, 1878.

SIR: I have the honor to report the seizure of an illicit distillery located in White County, containing one 85-gallon copper still, cap, and worm, 18 stands of beer and mash, 15 bushels of meal and corn, 18 gallons low-wines, and one shot-gun found on the premises.

The seizing officer and his posse were met a short distance from the distillery by five men, one armed with a shot-gun, the remaining four with picks, spades, &c., who began to curse and to call them hard names and show fight by unmistakable movements. The bearer of the shot-gun drew his piece up to his shoulder and cocked it, but the deputy being a brave and shrewd fellow, sprang towards him and presenting his pistol uncomfortably close to the fellow's head compelled him to take down his gun and surrender, upon which the bearers of spades, &c., dropped their weapons and fled precipitately to the woods. The deputies destroyed all the beer, mash, corn, and low-wines, and brought away the still, cap, worm, and the gun.

The ringleader of the assaulting party has been arrested and warrants have issued for the others who were connected with the affair.

Very respectfully,

ANDREW CLARK, *Collector.*

Hon. GREEN B. RAUM,
Commissioner Internal Revenue.

UNITED STATES INTERNAL REVENUE,
COLLECTOR'S OFFICE, SECOND DISTRICT GEORGIA,
Atlanta, April 26, 1878.

SIR: I have the honor to report that I have information of the seizure, on the 17th instant, in Franklin County, of one horse and wagon and 15 gallons of illicit whisky, which was placed in the custody of a citizen of Franklin County until arrangements could be perfected for its removal, and that on the second night after its seizure about 15 men went to the residence of the party in charge of the property and forcibly rescued the same and removed it from his premises.

These acts of open defiance to the revenue authorities are becoming more frequent than usual, and will have to be met with determination and increased vigilance. And I hope to yet be instrumental in causing the perpetrators of such acts to suffer the extreme penalties of the laws they have so flagrantly violated.

The deputy United States marshal informs me that the sheriff of Franklin County knows the names of the parties engaged in this matter, and that it is therefore probable that they will be speedily brought to justice.

All such cases will receive my personal and immediate attention, and warrants will be issued at the earliest moment practicable.

Very respectfully,

ANDREW CLARK, *Collector.*

Hon. GREEN B. RAUM,
Commissioner.

TREASURY DEPARTMENT,
OFFICE OF INTERNAL REVENUE,
Washington, April 30, 1878.

SIR: Your letters of the 24th, 26th, and 27th instants, reporting the rescue by citizens of certain persons and property and the capture of one of your guides, are before me. These lawless acts should be put an end to by exhibiting the force and determination of the government to overcome all opposition to the enforcement of its laws.

I am prepared to authorize the employment of a sufficient number of persons to assist you in overcoming all resistance, and I desire that you shall fully consider the matter and write me making requisition for such an allowance for deputies and money from the fraud fund as will enable you to suppress frauds in your district and overcome all opposition to the enforcement of the laws.

The persons guilty of these outrages should be arrested if it is possible to do so.

Very respectfully,

GREEN B. RAUM,
Commissioner.

ANDREW CLARK, Esq.,
Collector, Atlanta, Ga.

UNITED STATES INTERNAL REVENUE,
COLLECTOR'S OFFICE, SECOND DISTRICT GEORGIA,
Atlanta, June 3, 1878.

SIR: I have the honor to report the following seizures during the month ending May 31, 1878, to wit: 29 illicit distilleries, 18,000 gallons of beer and mash, 161 gallons of illicit spirits, 263 gallons of low-wines, 67 bushels of meal and malt, 1 mule, 5 oxen, 3 wagons, 1 buggy, 2 guns, &c.

I am sorry to say that only 14 of the stills seized and but a small portion of the whisky was brought away; but the difficulties attending the removal of property from the mountains—distances varying from 75 to 100 miles—and the consequent delay in the movements of the men, rendered the destruction of the property advisable.

You will find the names of parties from whom distilleries and other property was seized given on my vouchers to my account on form 131. These persons have, with one exception, had warrants issued for them, and many of those who have been arrested have been bound over.

My aggregate expenses for information and assistance rendered seizing officers for the month is $273, an average of less than $10.10 for each distillery seized, leaving out of the account the teams, &c., seized; and when it is remembered that I had only one deputy (Mr. Hendrix) under pay, I do not think you will consider the expenses excessively heavy.

Very respectfully,

ANDREW CLARK, *Collector.*

Hon. GREEN B. RAUM,
Commissioner.

TREASURY DEPARTMENT,
OFFICE OF INTERNAL REVENUE,
Washington, July 13, 1878.

SIR: I am in receipt of your letter of the 9th instant, reporting the seizures made in your district during the fiscal year just ended. I desire to thank you for the efficient and economical manner in which you have administered this branch of the public service in your district. I desire an earnest perseverance in the work of enforcing the laws and the suppression of frauds during the present fiscal year. I am prepared to make you such additional allowances from time to time as may be deemed necessary to fully strengthen your hands for that purpose.

Referring to our conversation during your visit some months ago in regard to encouraging the establishment of legal distilleries throughout your district, I wish to say that I deem it of the utmost importance that this shall be done. It is far better in respect to the morals of the country that spirits should be manufactured in accordance with law and the taxes duly paid thereon, and, in my opinion, if a number of legal distilleries are established in each of the counties where illicit distilling has mostly prevailed, you will find that the presence of storekeepers and gaugers in those counties and the frequent visits of your deputy collectors would have the effect of rooting out the illicit distilleries. Where distilleries are established the utmost care should be observed in giving information and instructions to the owners, so that they may avoid any difficulty in operating their distilleries, and save themselves from assessment either from excess or deficiency.

I think it would be well for you to publish in the newspapers an article upon this subject, so as to attract the attention of persons disposed to establish legal distilleries, and have your deputies in the various divisions talk the subject up while they are policing their divisions.

Very respectfully,

GREEN B. RAUM,
Commissioner.

ANDREW CLARK, Esq.,
Collector, Atlanta, Ga.

UNITED STATES INTERNAL REVENUE,
COLLECTOR'S OFFICE, SECOND DISTRICT GEORGIA,
Atlanta, January 20, 1879.

SIR: I have the honor to report the return of Deputy Collectors Hendrix and Fox, who, with two men employed for the occasion, have been for several days raiding through the counties of Cobb, Bartow, Cherokee, and Pickens. They traveled about 140 miles through the most dangerous portions of some notoriously bad counties. They seized two very large and complete illicit distilleries, destroying about 4,500

gallons of mash and beer, 100 gallons of low-wines, and about 25 bushels of meal. The stills (copper) were brought out and shipped to this place.

This party would have accomplished much more had not their principal guide failed to meet them at the place designated. When the deputies arrived at the place where they had arranged to meet their guide they found the people up and in arms, and were satisfied that the news of their approach had preceded them and that the guide had thus been prevented from meeting them. The whereabouts of the guide referred to is now unknown to me, and we fear he has been foully dealt with.

My deputies report that during their return through Pickens County the deputies encountered numerous squads of armed men at various points on the route, who were rude and boisterous, applying opprobious epithets to the deputies as they passed, and expressing great dissatisfaction with the presence of revenue officers in their midst. On one occasion, while riding quietly along the public highway, the deputies were met by one of these armed squads of citizens which squarely confronted them. Deputy Hendrix was riding in advance of his party, and the citizens seized the reins of his horse and laid rough hands upon him, uttering meanwhile the vilest oaths and imprecations, accompanied by threats of violence. It was obvious they meant "fight," and the deputies began to prepare for defense. Seeing this, evidently to their surprise, it required no argument to convince them that the contest might not result favorably to them, and they abandoned their project. Amid all these trying scenes my little party of deputies passed; and, while suffering insult and indignity at the hands of the citizens, gave no offense to any one, excepting that which may have been occasioned by their performance of duty and exercising self-protection.

Very respectfully,

ANDREW CLARK, *Collector.*

HON. GREEN B. RAUM,
Commissioner.

TREASURY DEPARTMENT,
OFFICE OF INTERNAL REVENUE,
Washington, January 25, 1879.

SIR: I acknowledge the receipt of your letter of the 20th instant, reporting the operations of Deputy Collectors Hendrix and Fox, in Cobb, Bartow, Cherokee, and Pickens counties, and the seizure of two illicit distilleries.

I also note your statements in regard to the action of the marshal in calling into his office the warrants in the hands of deputies, and of District Attorney Farrow in requesting further statements from you in regard to the cases against the defendants in these warrants, so that he may decide whether said warrants shall be served or quashed.

The Department of Justice finds itself constantly hampered for want of funds, and the district attorneys and marshals are called upon to adopt a stringent system of economy. I have before me a letter from District Attorney Lurty, of Virginia, to the Attorney-General, wherein he suggests as an economic measure that cases shall not be taken before commissioners but directly into court. At this time, as you know, our appropriations are exhausted. I expect, however, suitable appropriations before the adjournment of Congress, when I propose to organize in all the collection districts where illicit distilling prevails simultaneous movements for the extirpation of these frauds, and I expect to be able to have such orders sent out from the Attorney-General's office as will result in a harmonious co-operation of district attorneys and marshals.

I will take occasion to write District Attorney Farrow giving my views in regard to your duties, and his in respect to the enforcement of the internal revenue laws.

Very respectfully,

GREEN B. RAUM,
Commissioner.

ANDREW CLARK, Esq.,
Collector, Atlanta, Ga.

UNITED STATES INTERNAL REVENUE,
COLLECTOR'S OFFICE, SECOND DISTRICT GEORGIA,
Atlanta, January 29, 1879.

SIR: In my letter of 20th instant I gave some account ot operations in Cherokee, Pickens, and other counties, and referred to the resistance met with by revenue officers.

Deputy Collector George A. Fox reports the return of his raiding force from a four days' trip into Cherokee County, during which they found nothing but an abandoned still-house, owing to the failure of guide and the thorough organization of the lawless inhabitants. On their return, however, they received intelligence of a team conveying illicit spirits, and at once commenced the pursuit, which resulted in the capture of two mules, one two-horse wagon and harness, and about 90 gallons of whisky, all of which they brought safely to Marietta, where it is now stored. The driver of the team fled to the woods upon the approach of the officers and effected his escape.

On the night of the 24th instant, as the party were driving quietly along the road, all seated in a two-horse wagon, a volley was fired into them from the woods on the roadside. There were about six shots from guns loaded with buck-shot poured into them at close range, and most likely, but for the darkness rendering aim uncertain, and the fact that the would-be assassins fired from a bluff, every man of them would have been either killed or wounded. The results of the volley were as follows: a white guide dangerously wounded in the head, skull fractured; another guide shot in hand severely; the colored man who was driving the team was evidently badly wounded, as he jumped from the wagon and ran into the woods, shouting "I am a dead man." His coat was afterwards found with a bullet-hole through the collar, and as nothing is now known of him we fear he is dead. Others of the party had bullets to pass through their clothing and narrowly escaped death or severe injury. Those of the party who were able after the volley was fired, dashed into the woods and discharged their revolvers after their assailants, who fled in the darkness.

I regret having to chronicle such acts of lawlessness and defiance among a civilized people, and I sincerely deplore the existence of such a state of public sentiment as renders the officers of the law liable to be assassinated at any turn of the road; but as matters of fact they are compelled to appear on record.

I wish to state, in conclusion, that undaunted by resistance, however formidable, I will continue the most vigorous use of every means in my power and at my command for the suppression of all frauds on the revenue, and aided, as I am, by a corps of zealous, energetic, and efficient deputy collectors, I shall indulge the hope of being able to report good practical results; and I shall be earnest and assiduous in my efforts to discover the perpetrators of the act herein reported.

Very respectfully,

ANDREW CLARK, *Collector*.

Hon. GREEN B. RAUM,
Commissioner.

UNITED STATES INTERNAL REVENUE,
COLLECTOR'S OFFICE, SECOND DISTRICT GEORGIA,
Atlanta, February 15, 1879.

SIR: I have the honor to report the seizure on the 12th instant of an illicit distillery located in Walton County. The still, cap, and worm were brought out and about 1,000 gallons of beer, mash, &c., was destroyed on the premises at the time of seizure.

The guide, colored, had three distilleries located in the same neighborhood, and after the seizure of the one above reported, it was discovered that a sheriff's posse were after the guide with civil warrants, and he was compelled to abandon the work and try to make his escape. He accordingly made an effort to elude them, but they followed him about 35 miles and arrested him in Conyers, Rockdale County, on the 13th instant.

This man has been a reliable informer for some years, and has given a great deal of most valuable information concerning violations of revenue law. He has been frequently persecuted in this manner, and is now out under bond, as the result of similar outrageous proceedings against him in other sections. He is the same guide who was shot through the thigh in January, 1878, while accompanying a posse of deputy United States marshals who were trying to make arrests in Campbell County.

The nature of this guide's offenses are clearly defined in the copy of letter from his counsel, hereto attached, and I candidly assert that it is nothing more or less than an aggravated form of willful and malicious persecution, which shows clearly the state of public sentiment regarding the revenue laws with which I have to contend in almost every portion of my district.

Very respectfully,

ANDREW CLARK, *Collector.*

Hon. GREEN B. RAUM,
Commissioner.

MONROE, WALTON COUNTY, GA.,
February 14, 1879.

DEAR SIR:- John Moore, colored, *alias* Daniel Thompson, colored, was arrested on yesterday by the sheriff of this county, at Conyers, Ga., and is now confined in jail on warrants issued on the indictments, copies of which I furnished you some time ago at your request. Early this morning the defendant sent for me to come to the jail, and in accordance with the request I went, and he then told me he desired my professional services in his defense against the two indictments (one for vagrancy and the other for carrying pistol concealed).

I am, sir, with respect,

W. J. RAY.

Hon. ANDREW CLARK,
Atlanta, Ga.

UNITED STATES INTERNAL REVENUE,
COLLECTOR'S OFFICE, SECOND DISTRICT GEORGIA,
Atlanta, February 21, 1879.

SIR: I have the honor to report the seizure of two illicit distilleries in Rabun County, as explained in the copy of letter from Deputy Collector J. C. Hendrix, inclosed.

I have seized the following property since February 1, instant: 23 illicit distilleries, 6 head of horses and mules, 3 wagons, and about 250 gallons of spirits. This work has been done mainly by my regular deputies.

Very respectfully,

ANDREW CLARK, *Collector.*

Hon. GREEN B. RAUM,
Commissioner.

UNITED STATES INTERNAL REVENUE,
DEPUTY COLLECTOR'S OFFICE, SECOND DISTRICT GEORGIA,
Gainesville, Ga., February 19, 1879.

SIR: We returned to Toccoa last night, and came here this morning. We got two distilleries in Rabun, brought out the stills, and destroyed about 2,800 gallons of beer, mash, &c., and a quantity of meal and malt. We had a fearful time getting into Rabun. Such a sleet I hardly ever saw. The road was often blockaded, and the timber falling all night around us. We reached Clayton at 2 o'clock a. m., and got to the distilleries at 3 o'clock.

We divided our force, and part of us stopped at each distillery and waited there until after day. When the parties came to the distillery we arrested them, and while we were cutting down the distillery one of the men escaped from Deputy Marshal Robinson. We picked up four others, and were coming out after sunrise, when a party of men ambushed fired upon us, not more than 200 feet away. A sharp fight occurred, lasting about three minutes. The parties seemed desperate and determined, but the boldness of our boys and the superiority of our guns soon put them to flight. We think some of them were wounded. Mr. Prator (one of my men) was struck on the top of his foot. The boot was cut and the skin broken. Mr. Robinson, who was in the rear of a small post, was saved by four balls striking the post. Twigs and limbs were cut around us thick. The parties evidently intended to rescue the property and give the prisoners an opportunity to escape, but we held our own and brought men and stills out.

Respectfully,

J. C. HENDRIX,
Deputy Collector.

ANDREW CLARK, *Collector.*

TREASURY DEPARTMENT,
OFFICE OF INTERNAL REVENUE,
Washington, March 6, 1879.

SIR: By the passage of the act of March 1, 1879, entitled "An act to amend the laws relating to internal revenue," the sanction of positive legislation has been given to the destruction of illicit distilleries of less capacity than 150 gallons where it is impracticable to remove them when seized, and to the arrest without a warrant of illicit distillers caught in the act of violating the law.

Congress at its recent session also passed an act making an appropriation of funds applicable to the payment of a suitable force for the enforcement of the internal-revenue laws against persons engaged in the illicit manufacture and sale of spirits and tobacco. The frauds of this character in your district have for a series of years been very great, and while latterly they have been very much reduced, I have every reason to believe there are still a large number of illicit distilleries operated in your district. I earnestly desire to put an end to these frauds, and I wish you to take the most energetic action to that end, and to call upon the United States marshal and United States attorney to render you such assistance as they can under the law.

In fact an effective enforcement of the law can only be attained through the earnest co-operation of the collector and marshal and the district attorney, and I earnestly trust that, whatever disagreements may have existed in the past in regard to the enforcement of the laws, in the future there will be hearty and cordial co-operation. That there may be no misunderstanding on the part of the marshal and district attorney of the views of this office in respect to your duties, I will state that I regard the seizure of the illicit distilleries of paramount importance, and I expect you whenever you know of an illicit distillery being operated, to seize it at once whether you are prepared to procure the issuance of a warrant for the arrest of the illicit distillers or not.

I know from the reports of collectors from many districts that it is frequently impracticable to obtain sufficient information in regard to persons who operate an illicit distillery to justify making the necessary affidavit for a warrant, and the practice is quite universal in the district infected by illicit distillers to seize the stills whenever they can be found and make the arrests afterwards. In many districts the practice is quite uniform, where warrants can be obtained in advance, for a deputy marshal to accompany the force of deputy collectors, to serve his warrants in their presence, and with their assistance, the internal revenue force acting as guards to the prisoners to save expenses to the Department of Justice. Under the law as it now stands this practice can be carried out without difficulty, for the deputy marshal is authorized to make arrests of illicit distillers caught in the act, without a warrant, and so it would seem to my mind quite important that the marshal should stand ready at all times to furnish you a deputy to accompany any force of your deputies that may be directed to make seizures of illicit distilleries. I shall request the marshal to pursue this course, and have every reason to suppose that he will regard it in the line of his duty to do so.

I desire to call your attention to the fact that the appropriation to the Department of Justice for the support of the courts, and for the salary and expenses of district attorneys, marshals, deputy marshals, commissioners, witnesses, guards, &c., has been and is likely to be inadequate to provide for the trial of all cases that may arise. It therefore becomes of great importance that the officers of the Treasury Department, as well as those of the Department of Justice, shall observe due economy in all measures taken against offenders for the purpose of bringing them before the courts. It constantly occurs that an illicit distiller will be liable to a number of indictments. It becomes important in the interests of economy that one or two cases shall be prepared against such an offender, and a reliance placed upon these for his punishment, instead of involving the government in the expense of prosecuting numerous indictments against the same person. It is also known to you that where an illicit distillery is operated in a community many persons will become involved as violators of the law who have no actual pecuniary interest in operating the distillery, such as men who furnish wood or meal and the like. Now, while these parties are guilty of violating the law, and if indicted might be punished, the facts that it is physically impossible for the courts to try all such cases, and that the appropriations are inadequate to make provision for their trial, render it necessary that the officers of the government should exercise some discretion in regard to the institution of prosecutions; and while I recognize the fact tha this is a delicate duty to perform and opens the door to serious abuses, yet I think where the collector, district attorney, and the marshal consult together freely upon this subject, and, if need be, take the advice of the Attorney-General or of this office, the results that would be reached would be satisfactory.

To summarize the foregoing I will state:

1. Seize illicit distilleries whenever and wherever they may be found, whether you have been able to obtain warrants for the arrest of the distiller or not.
2. Arrange with the marshal to send one or more of his deputies to make arrests when your deputies are sent out to make seizures of illicit distilleries.
3. Whenever practicable, have your force act as guards for prisoners without charge.
4. Do not institute legal proceedings in doubtful cases, or for technical violations of law, where no fraud was done or intended.
5. Observe the utmost degree of economy in making costs in prosecutions.

6. Invoke the co-operation of the district attorney and marshal in an earnest, vigorous, and economical enforcement of the laws.

Very respectfully,

GREEN B. RAUM,
Commissioner.

ANDREW CLARK, Esq.,
Collector, Atlanta, Ga.

UNITED STATES INTERNAL REVENUE,
COLLECTOR'S OFFICE, SECOND DISTRICT GEORGIA,
Atlanta, March 12, 1879.

SIR: I am just informed by Deputy Collector Shepard that one of his guides in Rabun County has been shot by illicit distillers. Deputy Shepard reports that the guide only made the one trip with him, but that the brother of the guide had often been with him. The man was shot in the head, and is reported as dying. I will, at the earliest possible moment, send my deputies back into Rabun County, and leave nothing undone to capture the men who shot the guide and drive these law-breakers out of the county.

Very respectfully,

ANDREW CLARK,
Collector.

Hon. GREEN B. RAUM,
Commissioner of Internal Revenue

UNITED STATES INTERNAL REVENUE,
COLLECTOR'S OFFICE, DISTRICT OF GEORGIA,
Atlanta, June 13, 1879.

SIR: In compliance with your letter of April 29, ultimo, requesting me to forward to your office a report of the number of persons killed and wounded in my district since July 1, 1876, while engaged in the work of suppressing illicit distillation, also a brief statement of all outrages known to have been committed by illicit distillers or their sympathizers against citizens for giving information in relation to the location or operation of illicit distilleries, I have the honor to submit the following partial report:

KILLED.

1. *Lieutenant McIntire*, of the Second Infantry, United States Army, murdered on the night of February 9, 1877, at the residence of Ayres Jones, an illicit distiller in Fannin County, while aiding revenue officers in suppressing illicit distillation.

2. *Berry Sorrels* (*colored*), suspected of being an informer, was brutally murdered in presence of his family, by a band of illicit distillers masked, March, 1879. He was really not an informer. (Walton County).

3. *Nathaniel Eason*, a citizen of Campbell County, was called to his door on a night in February, 1878, and brutally assassinated in presence of his wife and children, by a body of masked men. Mr. Eason had visited Atlanta a day or two previous to his assassination, and it was supposed he had been summoned to testify against the parties who had assaulted a deputy United States marshal's posse, killing two horses and wounding a guide a short time previous.

4. *Samuel Kenney*, a citizen of Pickens County, residing near Talking Rock post-office, was shot and killed by illicit distillers who suspected him of giving information against them (October 16, 1877).

5. *A colored man* (name unknown) started in January, 1877, to locate an illicit distillery in Douglas County, operated by persons known as Tooker brothers. He was last seen in Campbell County and has not since been heard from. It is now conceded by the citizens that the generally received opinion at the time of his disappearance that he was murdered and thrown from a bridge into Sweetwater River was true, and that such was his fate.

6. *Benton Whitecotton*, a citizen of Hall County, disappeared in July, 1877, and recent developments prove that he was brutally murdered by a man named Bryant, who was a relation of an illicit distiller against whom Whitecotton had informed. Bryant confessed the murder on his death-bed and has since died. The remains of Whitecotton were found at the place indicated by the murderer and have been identified.

7. In the month of May a colored man, whose name cannot now be ascertained, left his home in Campbell County to come to Atlanta on business. Some illicit distillers, residing in the neighborhood, learning of his departure from home and supposing it was his purpose to inform against them, followed and attacked him with shot-guns.

He ran in order to save his life, but in the effort was frightfully mangled with the buckshot fired after him. He made his way to Atlanta, where, I am informed, he died from the effect of his wounds.

8. In Fannin County, about the middle of August, 1877, Mr. W. F. M. Greenway, while gathering fruit in his orchard, was shot with buckshot and mortally wounded. It is known that Mr. Greenway rendered aid to revenue officers in their operations against illicit distillers, and for this threats had been made which were executed by his brutal assassination. The assassin concealed himself behind a large stump around which had sprung up undergrowth which afforded him seclusion, and when Mr. Greenway was reaching upward to gather the fruit he discharged the contents of his gun at Mr. Greenway. The shot struck him in the stomach and he expired in a few minutes.

WOUNDED.

1. *James McMicheal*, deputy United States marshal, was dangerously stabbed by J. F. Greer, an illicit distiller in Butt's County, December, 1878. Greer accused McMicheal of having given information which led to the seizure of his (Greer's) illicit distillery.

2. *John Moore* (colored), while accompanying deputy marshals in Campbell County to point out the residence of illicit distillers for whom they had warrants, was fired upon by some men in ambush. His horse was killed by the volley, and he (Moore) severely wounded in the thigh. This guide has been a faithful servant of the government for several years, and has frequently suffered arrest and imprisonment on merely trumped-up charges, which were only part of an organized plan to place him in the hands of his enemies, the illicit distillers, under circumstances which would give them a favorable opportunity to assassinate him; but the prompt interposition of revenue officers in his behalf has always been the means of saving his life at such times.

3. *Mr. Clayton*, of Campbell County, suspected of being an informer, was attacked in his own house in March, 1877, by a band of illicit distillers masked, who fired upon him several times with deadly intent. As they closed in upon him, he, though wounded, succeeded, after knocking two of his assailants down with an axe, in making his escape, leaving his wife and children at the mercy of the ruffians.

4. *D. J. Wigley*, an informer and guide, on the night of January 23, 1879, was dangerously wounded in the head.

5. *N. L. Alexander*, a guide, was at the same time severely wounded in the hand.

6. *A colored man* driving the team was wounded with shot at the same time.

These last three persons were in the raiding party into Cherokee County, and were fired upon by a party of illicit distillers ambushed at the roadside.

7. *James P. Prater* was wounded in the foot in an encounter with illicit distillers in Rabun County, in the month of February, 1879. Prater was a guide.

8. *Doc. Smith*, of Habersham County, was shot and badly wounded by illicit distillers from Rabun County, in March, 1879. Five illicit distilleries had been broken up in Rabun County a short time previous, and Smith had aided his brothers in making up the information.

9. *Miles McKinney*, a colored man residing in Gwinnett County, was, in June, 1878, attacked on the road to his home from a neighboring village by five men, who, after charging him with giving information regarding the location of their illicit stills, beat him with clubs and heavy whips until he was almost dead, leaving him with the threat that "if they were arrested they would kill him."

STATEMENT OF OUTRAGES.

1. *Middleton Neal* (colored), informer, was seized on the highway in Franklin County, during the autumn of 1878, by a party of illicit distillers, who compelled him to accompany them nearly fourteen miles out of his way, with the avowed purpose of killing him. Occasionally, on the route, they stood the poor colored man up for a sort of target, and shot at him, merely to torment him by trying how close they could make their bullets go to his body without striking it. One of the balls, however, struck him on the shoulder. By the intervention of some good citizens the distillers finally released the old man from custody.

2. In June, 1878, a young man (name unknown) wandered into an illicit distillery in Habersham County, operated by Thomas Whitworth. Being suspected of obtaining information for revenue officers, he was taken off into the woods, knocked in the head with an ax, and left for dead. He recovered, after several hours and made his way to his friends; but his injuries came very near proving fatal.

3. In March, 1879, a party of illicit distillers made an assault upon an old gentleman named John Gilbert, living near Toccoa, Habersham County, who had given information of illicit operations. Mr. Gilbert's wife came to his aid, when both of them were knocked down and seriously injured.

4. About January 1, 1879, a party of disguised men attacked and nearly killed James Goddard, in Towns County. Goddard was an informer and guide. And shortly after the above occurrence his barn and contents were burned.

5. In Lumpkin County, July, 1878, a party of eight men, disguised, went at night and seized, bound, and shamefully whipped Joseph Bonner, an informer.

6. On the same night, and in the same county and neighborhood, a party of six masked men bound and whipped G. W. Hendricks, whom they accused of being an informer against them.

7. In Union County, during the month of August, 1878, the residence of William Woody was fired into by illicit distillers. Nine bullets were found to have penetrated the door and side of the house.

On the same night, seven of Mr. Woody's hogs were killed, it is supposed by the same men who fired into his dwelling.

8. *Adolphus Simmons*, of Lumpkin County, on account of his having aided revenue officers, has had burned, at different times during the past year, a large amount of fencing, an out-building used as a fruit distillery, and his barn with entire contents. He also had an ox killed by illicit distillers.

9. *John B. Graham*, of Lumpkin County, had his mill, cotton-gin, and wool-carder (all located in one building, and valued at $2,500) totally destroyed by fire. He had been openly accused of giving revenue officers information, and this was the revenge of the law-breakers upon him.

10. In September, 1878, a Mrs. Bivins, residing in Fannin County, accompanied by her son, was *en route* to Atlanta on business. Their conveyance was a country wagon. They were overhauled in the public road by a party of about ten men, disguised, who prevented them from pursuing their journey. Her son jumped from the wagon and fled into the woods, while their assailants discharged their guns after him. None of their shots struck him, however, and he made good his escape. His mother, being left at the mercy of the ruffians, was shamefully beaten. Her wagon was cut and broken to pieces, and she was obliged to make her way home as best she could. The assailants warned her that if she again attempted to leave her home for Atlanta she would be killed outright. Mrs. Bivins was accused of aiding revenue officers and giving information of illicit distillers.

11. In Murray County, during April, 1879, William Wilson, informer and witness against violators of revenue laws, while *en route* to Dalton to testify before the United States commissioner, was assaulted by a party of disguised men, who beat him with clubs and detained him long enough to prevent his reaching his destination in time to testify in the cases. Owing to this violent treatment and hinderance, Mr. Wilson's testimony was not given, and the parties against whom he was an important witness were discharged from custody.

12. In April, 1878, near Shoal Creek, Habersham County, John Murray, a resident, was decoyed into a wood at night by one Tom Roberts, an illicit distiller, who suspected him of giving information, and knocked in the head with an ax. He was left for dead, but recovered and made his way to his home.

13. In 1877 *Charles Garner*, residing near Rockmart, Polk County, had his residence burned by parties who accused him of aiding and giving information to revenue officers.

14. *William Strange*, esq., deputy United States marshal, lost at different times during the months of May and June, 1878, a horse and three valuable mules, which he asserts were all poisoned by illicit distillers residing near him, whose business had been interrupted by his official presence. Mr. Strange then lived at his home in Walker County, but as open threats against his person and property were frequent, he removed his family to another county, where they could remain in comparative safety while he was absent in the discharge of his official duties.

Total killed, 8; total wounded, 9; other outrages, 14.

There have been numerous outrages perpetrated upon deputy United States marshals, guides, witnesses, and others during the period embraced in this report, to obtain the facts in which will require much time and cause delay in your office.

Very respectfully,

ANDREW CLARK, *Collector.*

Hon. GREEN B. RAUM,
Commissioner, Washington, D. C.

UNITED STATES INTERNAL REVENUE,
COLLECTOR'S OFFICE, SECOND DISTRICT OF GEORGIA,
Atlanta, July 8, 1879.

SIR: I am in receipt of official information that the residence of two gentlemen, named Pool, residing in Pickens County, was forcibly entered on the the night of

June 28, ultimo, by a party of men, some of whom had been arrested for violation of the revenue laws.

The party numbered five men, all armed with shot-guns, and, as they burst in the door, began firing upon the Messrs. Pool while they were in their beds. The wife and child of one of the Pools were in the same apartment, and miraculously escaped death by fleeing from the building in the darkness. D. G. Pool was desperately wounded, and is not expected to recover. His brother, Orlando Pool, was killed outright in cold blood.

It is stated that D. G. Pool had made an affidavit against James Mann for violation of the internal-revenue laws, and that both he and his brother were suspected of having given information against persons engaged in the illicit traffic. The circumstances preceding the assault on them confirm the statement that this belief caused the terrible results which followed.

Several men were arrested, and, although Mrs. Pool swore positively to the identity of some of them, they proved *alibi* and were discharged.

In some of the press notices of the affair it is stated that the Messrs. Pool were relatives of a deputy United States marshal. This, however, is not the case, as they are related to Wm. Pool, my deputy collector at Cartersville.

The state of feeling throughout my district is becoming daily more bitter.

Very respectfully,

ANDREW CLARK, *Collector.*

HON. GREEN B. RAUM,
Commissioner, Washington, D. C.

I regret to say that the amnesty of President Grant to illicit distillers in the second district of Georgia failed to arouse in the minds of offenders a proper respect for the laws. The opposition to their enforcement has been organized, fierce, and malignant.

From June 30, 1877, to January 1, 1880, in this district 391 illicit distilleries have been seized, and 951 persons arrested for illicit distillation. Four officers and employés have been killed and twelve wounded while in the discharge of their duties. During the present winter illicit distillers have been specially active in their operations and vigorous in their opposition to our officers.

During the month of January and part of the month of February just passed 42 illicit stills have been seized and 54 illicit distillers arrested, and in addition to the foregoing seizures during the past three years a great number of horses, mules, oxen, and wagons, employed in the transportation of illicit whisky, have also been seized, as will be shown by the preceding correspondence and reports.

Synopsis of correspondence.

1880.

Feb. 12. Collector Clark reports the seizure of stills, arrest of distillers, and condition of affairs in his district.

Feb. 17. Deputy Collector Shepard reports assault on and serious wounding by unknown parties in Toccoa of Adolphus Welborn, who had been his guide in Rabun County.

Feb. 18. Deputy Collector Fort reports an unsuccessful attempt to seize an illicit distillery in Haralson County, which was defended by an armed force.

Feb. 18. Deputy Collector Hendrix reports the seizure of an illicit still in Douglas County by his force. The still was guarded by five armed men.

UNITED STATES INTERNAL REVENUE,
COLLECTOR'S OFFICE, SECOND DISTRICT GEORGIA,
Atlanta, February 12, 1880.

SIR: I have the honor to report the seizure of two illicit distilleries in the famous "Barker Settlement," in Forsyth County. The information against them was furnished by a notorious old "blockader" named Hansard, who assigned as his reason for informing upon his neighbors that he had "been on the other side long enough to find out it did not pay"; and this really appears to have been the only incentive.

Deputy Shepard seized and destroyed a large illicit distillery in Rabun County on the night of the 9th instant, which was operated by an old offender named Bramlette.

Deputy Shepard's party returned by way of Clarksville, Habersham County, where they met, as per appointment, United States Deputy Marshal Gaston, for the purpose of arresting one Benj. C. Martin, an old and defiant violator of the law. The house in which Martin was supposed to be concealed was promptly surrounded and his arrest was effected without difficulty, although he made a bold effort to escape from the roof of the building.

I am unable to note any change in the aspect of affairs as respects violations of law in this district.

Information of illicit operations is received almost daily at this office and communicated to the various deputy collectors. I am reliably informed that three teams conveying illicit spirits passed through Gwinnett County a few day since, under an armed guard of nine men, three to each team.

Our officers seized the two teams reported by telegraph on 9th instant, in this locality.

Very respectfully,

S. M. NEALON,
Deputy Collector in charge.

HON. GREEN B. RAUM,
Commissioner, &c., Washington, D. C.

UNITED STATES INTERNAL REVENUE,
DEPUTY COLLECTOR'S OFFICE, SECOND DISTRICT GEORGIA,
Toccoa, February 17, 1880.

SIR: Adolphus Wellborn, my Rabun County guide, was assaulted last night in a store in Tocca by some unknown party, and knocked in the head with a weight, and his skull fractured. The wound is a serious one, but, I trust, not fatal.

From the best evidence I can get, he must have been decoyed in for that purpose. The singular part of it all is that no one seems to have any idea who did the deed. There is no doubt, however, but that it was on account of his connection with the service. He has been threatened for a long time, and I was not much surprised when I heard of the deed.

No person connected with the service is safe unless he has a reputation for courage and fearlessness that will deter the ruffians who make up such a large part of the population, from attacking them. Wellborn has no such reputation, and this class have selected him as a good subject upon whom to vent their spleen. I only want the time to teach them a lesson they will not soon forget.

Respectfully,

W. O. H. SHEPARD,
Deputy Collector.

ANDREW CLARK, Esq.,
Collector Internal Revenue, Atlanta, Ga.

UNITED STATES INTERNAL REVENUE,
DEPUTY COLLECTOR'S OFFICE, DISTRICT OF GEORGIA,
Newnan, February 18, 1880.

SIR: On the night of the 14th of February instant I made an unsuccessful attempt to seize the illicit distillery of one Beach Farmer, in Haralson County. The circumstances are as follows:

I proceeded to within 150 yards of the distillery, after having passed through what I firmly believe was a complete line of pickets, and was advancing to make the seizure, when I heard a considerable disturbance at Farmer's house, some 300 yards off, and I then halted in order to ascertain the cause. In a few minutes I could hear men runing down from Farmer's house to the distillery. They went to the still-house, and with much cursing directed those in the distillery to "*get up and get their guns.*"

For a moment all was confusion; then an ominous quiet prevailed. I concealed myself near the road leading to the still-house, and with the guide and one man (employed) concluded to await developments. I stad there about thirty minutes, and could hear low conversation and several men on all sides of us slowly walking through the bushes. I concluded that it would be very foolish for me to attempt to make the seizure with only one man to aid me, and I therefore retraced my steps, and, after cautiously rounding a house where I had heard some men who were on the watch, I came to a deep creek. In the meantime, men were yelling and

guns were being fired in all directions. Upon reaching the creek I heard some one utter a low whistle, and after a little while two men left the bushes and went over towards Farmer's house. I infer from the character of these people, and from what the guide tells me, that they always guard their distilleries when they make a "doubling," and I have been frequently notified by my friends in that county that these distillers in question would kill me at the first favorable opportunity, and for no other cause than that I tried to do my duty as an officer and effect the destruction of their distilleries.

Doc Warmack, Bob Bently, Pope Bowman, and others have made these threats, and have said that they would not submit to arrest. There are not less than ten illicit distilleries now in operation in the vicinity of Tallapoosa, Haralson County, and I hope to have four or five located in a few days, when I shall request you to furnish me with ten or twelve well-armed, resolute men. It is my conviction that a smaller force cannot do any work in that neighborhood without incurring great risk, and then be compelled to leave their work undone. These men are desperate, and force is absolutely necessary to the enforcement of the law.

Respectfully,

H. W. POST,
Deputy Collector.

ANDREW CLARK, Esq., *Collector.*

P. S.—There are warrants for the parties named on the preceding page now in the hands of Deputy United States Marshal Pirkle, of Carrollton, and have been for three months.—H. W. P.

UNITED STATES INTERNAL REVENUE,
COLLECTOR'S OFFICE, DISTRICT OF GEORGIA,
Atlanta, February 18, 1880.

SIR: On last night, with two employed men, I seized a large grain-distillery in Douglas County, said to be operated by Anderson & Mitchell, assisted by the Tucker family, consisting of one 80-gallon still, cap, and worm, 1,500 gallons beer and mash, 60 gallons low wines, 6 bushels meal and malt. The distillery was guarded by five men; one of them leveled a pistol at me, but I had the drop on him and made him surrender.

This was an old set of violators who have banded together and had said they did not intend to allow their distillery seized.

We brought out still, cap, and worm, and destroyed the balance.

Respectfully,

J. C. HENDRIX,
Deputy Collector.

ANDREW CLARK, Esq.,
Collector Internal Revenue.

While the preceding reports, letters, and telegrams give full information of the recent operations against illicit distillers in the second district of Georgia, the resolution calls for all papers, letters, reports, and other documentary evidence tending to explain the necessity for the employment of armed men at the instance of the Internal Revenue Bureau, and which may give further information to the House of Representatives.

It has been known to the officers of this bureau that for the last twelve or fifteen years great numbers of illicit distilleries have been operated in a number of the collection districts, by ignorant and desperate men, who frequently; organized and armed, were prepared to resist the officers of the United States whose duty it was to enforce the laws for the collection of the revenue.

In 1876, soon after I became Commissioner of Internal Revenue, sufficient facts were brought to my notice to satisfy me that the government was being defrauded out of a large amount of internal revenue by the illicit manufacture and sale of both spirits and tobacco in several of the Southern States. I at once set to work to devise the best possible means for the suppression of these frauds. It was soon found that the ordinary force of internal revenue officers was totally inadequate to cope with

those who were engaged in these illicit operations. The illicit distillers had shown themselves to be a fearless and vindictive set of men, who were not only prepared to resist the officers of the government, but to visit upon all those who might give information or aid to the United States in enforcing the laws speedy punishment, even to death.

This condition of things was not confined to the second district of Georgia, but it ramified more or less through the States of West Virginia, North Carolina, South Carolina, Georgia, Northern Alabama, Tennessee, the second, fifth, eighth, and ninth collection districts of Kentucky, and portions of Arkansas and Missouri, and operations against those engaged in these frauds were co-extensive with the country in which the frauds were found. To give an adequate idea of the resistance to the laws, and the operations of this bureau for their enforcement, I have deemed it proper to consider the subject by districts, which I propose to do, and to furnish reports and letters from the files of this office tending to show the difficulties by which I have been met, and the results accomplished.

SECOND DISTRICT OF ALABAMA.

Synopsis of correspondence.

1875.

June 1. Collector Latham incloses report of the murder of Deputy Collector Leatherwood by illicit distillers.

1877.

May 24. Collector Booth reports that he is satisfied that there are 200 illicit distilleries in operation in his district; that it is a great risk of life for a person to interfere with them; suggests the use of troops.

June 4. Reply of the Commissioner of Internal Revenue to the above letter.

Nov. 12. Commissioner of Interval Revenue to United States Attorney Parsons approving acts of clemency in cases of poor and ignorant illicit distillers, but urging vigorous measures to punish the leaders of organized body of lawbreakers.

1878.

Feb. 4. Collector Booth telegraphs that his deputy and the marshal's force are resisted by overpowering numbers in Winston County.

Feb. 4. Telegram from Commissioner of Internal Revenue in reply to the above.

June 5. O. R. Bell, United States Commissioner, reports armed resistance to officers by illicit distillers in Cleburne County.

June 13. Letter from Commissioner of Internal Revenue to Collector Booth in regard to resistance in Cleburne County.

June 15. Letter from O. R. Bell, United States Commissioner, giving account of difficulty of enforcing the internal revenue laws in Cleburne County, and inclosing anonymous letter warning internal revenue officers to keep out of that county.

June 15. Telegram from Collector Booth of rescue of prisoners from United States marshal by armed mob in Cleburne County.

June 17. Letter from Commissioner of Internal Revenue to Collector Booth authorizing him to employ sufficient force to overcome resistance in Cleburne County, and requesting him to test the sincerity of promises of citizens of that county made to obtain leniency to illicit distillers.

1879.

April 3. Collector Rapier reports operations of his deputies in northern part of his district. They were fired upon by illicit distillers.

May 9. Collector Rapier incloses report of Deputy Collector Shouse, giving result of operations to suppress illicit distillation and effect of clemency extended to violators of internal revenue laws.

Nov. 14. Collector Rapier requests arms to protect his officers in the discharge of their duties.

1880.

Feb. 10. Collector Rapier reports condition of his district in regard to illicit distillation.

COLLINSVILLE, ALA., *June* 3, 1875.

SIR: I have to report the following state of facts in connection with the murder of Leatherwood at Newgent's distillery in Etowah County. I attempted to send a dispatch from here, but could not get it through.

Leatherwood left us Friday, a week ago, four miles from Stevenson, to see a Mr. Norwood, living in that vicinity, to collect an individual debt of $20, and was to meet us in Scottsborough on Saturday morning. We waited for him in Scottsborough until 5 p. m., when we left for Santas Cave, where we heard of a distillery in operation, leaving word for him to follow on the direction we had taken.

I heard nothing more of Leatherwood until we reached the jug factory on Sand Mountain, Tuesday noon. Leatherwood stopped there the night before, and left word for us that he had broken up Padgett's still near Hendricksville, and was going on to Whits and Newgent's, and would turn back by way of Rhodentown to the jug factory. We then started for Epton still (being then, as we since learned, within four miles of Nugent's at the very time he was being murdered at that place). We got to Rhoden's Friday noon, at the very time he calculated to be there. Hearing nothing from him we went on down the valley to Madison Gilbreath's. From there we started for Abe Davis's still-house, and destroyed that, with the mash. From there down to Lebanon, arriving Saturday afternoon, when we first heard of Leatherwood's murder. It seems that Friday morning his horse was found at the house of Sheriff Burges, of Etowah County, about daylight, nibbling some corn left in a wagon standing in the road in front of the house, with saddle, bridle, and saddle-riders on; with blood on the right front side of the saddle and the rear left, and the print of three bloody finger marks on the right front flank of the horse. The sheriff lives in Big Wells Valley, 14 miles from Collinsville, in Etowah County, 3½ miles from Greenwood Station.

As soon as we heard the report we started down, riding all night Saturday. Arriving at the sheriff's house Sunday, 6 a. m., we found the report confirmed, and took possession of the horse and accouterments. We found that a party numbering 150, under command of the sheriff, had been searching the mountains for two days (Friday and Saturday). No trace of the body found. They had tracked him to Marion Newgent's still-house, and the evidence is positive that he was killed at that place, the horse brought down to the valley to carry suspicion from the mountain, and the body concealed. Some think it was consumed in the still furnace; others that it was buried in the mountain, and others again that he was thrown into Well's Creek.

We can trace Leatherwood to the still-house, but cannot get him away from the location of the still-house and the road leading thereto. Leatherwood approached the still-house (which was nothing but a shed) quartering to the right, and as he approached the fence surrounding the still was shot by a rifle in the hands of some one concealed in the brush behind the furnace, the ball entering the right breast and coming out on the left side of his back, which will account for the blood on the right front and left rear of the saddle, and in his efforts, probably, to steady himself, grasped the right front flank of his horse, where the impression of three bloody finger marks were found. Right where the horse would have stood we found a small pool of blood, which could have been made as he leaned to the right to steady himself. Not far from this pool of blood we found a black cloth vest-button, which I believe came from Leatherwood's vest. Blood was also found on one of the posts.

We have done the best we can under the circumstances, working up a circumstantial chain of evidence which may culminate to a head shortly.

Leatherwood is dead beyond a doubt, and the deed committed at Marion Newgent's distillery.

Very respectfully,

JAMES M. EDGAR.

E. LATHAM,
United States Collector, Huntsville, Ala.

UNITED STATES INTERNAL REVENUE,
COLLECTOR'S OFFICE, THIRD DISTRICT ALABAMA,
Huntsville, Ala., June 3, 1875.

SIR: In response to your telegram of this date I send you such of the particulars as I am in possession of in relation to the murder of Holman Leatherwood, deputy collector, based upon the inclosed letter of James M. Edgar, United States deputy marshal, who accompanied the posse, four deputy collectors and three deputy marshals.

As deputy Leatherwood was alone I have no *positive* evidence as to the names of the parties committing the murder, but strong suspicion is attached to Alfred Noojin and Berry Word, who operated the distillery of Whitt & Noojin, as said Alfred Noojin and Word have abandoned their place of residence since the deed was committed.

Very respectfully,

E. LATHAM,
Collector.

Hon. D. D. PRATT,
Commissioner Internal Revenue, Washington, D. C.

UNITED STATES INTERNAL REVENUE,
COLLECTOR'S OFFICE, SECOND DISTRICT ALABAMA,
Montgomery, May 24, 1877.

SIR: During the present month I have had two of these additional deputies in East Alabama. They were instructed to thoroughly canvass the county and find out the location of illicit stills, and the men operating them. They returned to-day. They have located over 30 stills, which are being run in defiance of law in the counties of Cleburne and Clay. These deputies had instructions not to attempt to seize any of these illicit distilleries.

They had not been in Cleburne County but a very short time before they were driven out by these illicit distillers, and were shot at several times.

I am satisfied that there are to-day over 200 illicit distillers in my collection district. In the counties of Marion, Walker, Winston, Lamar, Franklin, Fayette, Blount, Saint Clair, DeKalb, Cleburne, Colbert and Clay they are very numerous. I have information of at least 50 in Cleburne County alone.

Whilst I shall use my utmost exertions to suppress this illicit manufacture and traffic in spirits, I have no hesitancy in saying that in some counties of my district it is at a great risk of life for a few revenue officers to attempt to interfere with these illicit distillers.

I would say in conclusion that if it is ever the policy of the government to use troops in suppressing the illicit distillation of spirits, that my district would present a fine field for operation.

Respectfully,

D. B. BOOTH,
Collector.

Hon. GREEN B. RAUM,
Commissioner Internal Revenue, Washington, D. C.

TREASURY DEPARTMENT,
OFFICE OF INTERNAL REVENUE,
Washington, June 4, 1877.

SIR: Referring to your letter of the 24th ultimo, in relation to the suppression of illicit distillation in your district, I have to say, that, on the 1st instant you were advised that your force of special deputies would be supplemented, with increased pay, for the purpose of raiding through the districts infested with illicit distillers. It is my wish that you take vigorous and active measures in this direction. It is the determination of this office to suppress frauds of this character, and I ask and will expect the hearty co-operation of all the local officers.

Give this matter your immediate attention.

Respectfully,

GREEN B. RAUM,
Commissioner.

D. B. BOOTH, Esq.,
Collector Internal Revenue, Montgomery, Ala.

TREASURY DEPARTMENT, OFFICE OF INTERNAL REVENUE,
November 12, 1877

SIR: Representations have been made to me by Hon. R. F. Ligon and Governor Smith of your State, on behalf of a number of citizens of Clay and an adjoining county in Alabama, who are under bonds to appear before the ensuing term of your court to answer charges for violating the internal revenue laws as illicit distillers. It is alleged that these parties have violated the law ignorantly; that they are exceedingly poor, and that they themselves, as well as the good people of the county, are well disposed to the enforcement of the internal revenue laws, and it is insisted that a continuance of these cases until the next term of the court will not prejudice the rights of the government and will be such an act of clemency as will meet the approbation of law-making citizens.

I have consulted with the honorable the Attorney-General, who unites with me in authorizing you to continue the causes until the next term of court. It is our opinion, however, that the owners of the stills should receive punishment. The illicit manufacture and sale of spirits have been carried on with such a high hand in many States that it has been neccessary to expend large sums of money to suppress these frauds, and collectors and marshals and their assistants have, at all points, met with vigorous resistance, and in many cases our officers have been killed without mercy.

Now that the government is asserting its authority, I think it is important that a number of the leaders should be singled out for punishment, and I desire you to conduct the prosecution in the Cleburne and Clay County cases with that idea in view.

Very respectfully,

GREEN B. RAUM, *Commissioner.*

Hon. LEWIS E. PARSONS,
United States District Attorney, Northern District Alabama, Montgomery.

[Telegram.]

MONTGOMERY, ALA.,
February 4, 1878.

Hon. GREEN B. RAUM,
Commissioner Internal Revenue:

My deputies and deputy United States marshals have met with armed resistance on the part of the illicit distillers in overpowering numbers in Winston County, and are consequently unable to enforce the revenue laws in that section.

D. B. BOOTH,
Collector.

[Telegram.]

TREASURY DEPARTMENT,
OFFICE OF INTERNAL REVENUE,
Washington, February 4, 1880.

D. B. BOOTH,
Collector, Montgomery, Ala.:

You are authorized to employ 20 additional men for 15 days, if necessary, at the rate of $125 per month, to be paid out of the appropriation for the suppression of frauds, to assist you in enforcing the laws of Winston County.

Please act with promptness and energy.

GREEN B. RAUM,
Commissioner.

EDWARDSVILLE, ALA.,
June 5, 1878.

SIR: To-day the deputy marshal with two guards met with armed force in the northern part of this county. They were confronted by a band of moonshiners, for two of whom, James Roberts and William Earnest, he had warrants for their arrest.

Roberts and crowd presented their guns at the marshal and told him to stop and leave there in quick time or they would all be killed. The marshal seeing the danger he was in turned and left. When he had gotten about 200 yards they fired a gun at him. The marshal was forced to leave the road and take refuge in the woods to save life. Roberts and crowd followed them some half mile. Can we not get some aid to enable us to enforce the laws in this county? Officers of the government are not safe here, and cannot discharge their duty unless the government will assist us in apprehending and bringing to justice these parties.

This man Roberts is an old violator of the revenue law, and publicly swears violence to any officer who attempts to arrest him. About fifteen months ago he organized a company of about 90 men to resist the officers. The officers have never attempted to arrest him since until to-day.

Will you not see that we are furnished sufficient aid to bring these parties to justice?

Very respectfully,

O. R. BELL,
United States Commissioner.

COMMISSIONER OF INTERNAL REVENUE,
Washington, D. C.

TREASURY DEPARTMENT,
OFFICE OF INTERNAL REVENUE,
June 13, 1878.

SIR: United States Commissioner O. R. Bell, under date of the 5th instant, informs this office that illicit distillation is carried on to a great extent in Cleburne County, and states that the marshal's force is powerless to arrest the offenders; that there is considerable armed resistance by the distillers, and that recently the deputy marshals were forced to release prisoners and obliged to escape to the woods for safety.

I have this day written the marshal, calling attention to the condition of affairs in this county, and informing him that if he has not sufficient force to arrest the offenders you will furnish him with a *posse comitatus*.

You are authorized to employ a sufficient number of men to accompany the marshal's force for the purpose of making the arrests, and to pay the same from the allowance made you from the appropriation for detecting violations of internal revenue law and bringing offenders to punishment.

Respectfully,

GREEN B. RAUM,
Commissioner.

D. B. BOOTH, Esq.,
Collector Internal Revenue, Montgomery, Ala.

[Office of O. R. Bell, United States Commissioner and attorney at law.]

EDWARDSVILLE, ALA.,
June 15, 1878.

SIR: I wrote to you a few days since giving you a statement of the feeling now existing in this county. I regret very much to tell you of the deplorable circumstance that took place in the northern part of this county on the 12th instant, but such is the state of feeling now existing here that I think it necessary to inform you about it. About midnight of the 12th instant four deputy revenue collectors and two deputy United States marshals left this place to apprehend James Roberts and others in that neighborhood for violating the internal revenue laws of the United States. Said Roberts is a desperate character, has bid defiance to the officers of the law for a long time. Upon arriving at the house of said Roberts they arrested five men, they released all but two, having no writs for the other three. They had brought the prisoners some six miles in the direction of this place when they were stopped by an armed crowd of men lying by the roadside in ambush. This crowd demanded the release of the two prisoners or the lives of the officers. The prisoners made their way to the armed crowd and the officers retreated to save their lives.

Unless the government will furnish aid sufficient to subdue this crowd it is useless to have any internal revenue law for that section of the county. There is now not less than twelve illicit distilleries now in successful operation in the northern portion of this and the eastern portion of Calhoun County. Furthermore it is now unsafe for a revenue officer or a deputy marshal to live in this section of the country, and unless something is done to bring these desperadoes to justice they cannot live in this county. The most of these illicit distilleries exist in the immediate vicinity of this armed organization, known as the Roberts' crowd.

Very respectfully,

O. R. BELL,
United States Commissioner.

Hon. GREEN B. RAUM,
Commissioner, &c.

OAK LEVEL, CLEBURNE COUNTY, ALABAMA,
June 9, 1878.

Mr. BELL:

DEAR SIR: I will drop you a line. If you have a friend in this section of country I am one, and from all the movements and talk here you and your deputies had better stay out of this section. I would advise you to throw up your commission; it is a dangerous position; the people have got tired of it; my advice to you is to hold up. Every man here is more or less connected with stilling and it has been determined upon that no further arrests shall be made, and no more stills cut up. If you doubt

what I write you it is easy for you to get some one to come in this section and find out how things are here.

The reason that I sign no name to this letter is that I do not wish for my name to be known to you in this connection, as I attend to my own business and do not trouble myself to find out what others are doing, but I would advise you, and through you, all others connected with this revenue business, to keep away from "*Tarapin.*"

[Telegram.]

MONTGOMERY, ALA.,
June 15, 1878.

Hon. GREEN B. RAUM,
Commissioner, Washington, D. C.:

My special deputies, accompanied by United States Commissioner Bell and deputy marshals, have had prisioners, guilty of illicit distilling, forcibly taken from them by an armed and desperate mob in Cleburne County, and have had to return to Edwardsville for safety.

Have seized sixteen illicit stills during this raid with my force.

D. B. BOOTH, *Collector.*

[Telegram.]

TREASURY DEPARTMENT,
OFFICE OF INTERNAL REVENUE,
Washington, June 17, 1878.

D. B. BOOTH, Esq.,
Collector, Montgomery, Ala.:

You are authorized to employ 16 men for 15 days with an allowance of $1,000, as authorized in my dispatch of 15th instant. I desire that you shall test the sincerity of the promises to aid the government in suppressing illicit distilling, made by citizens some time since to obtain leniency toward illicit distillers in Cleburne County. The leniency extended to illicit distillers heretofore was with the expectation that violations of law would cease. I now desire that the law shall take its course against all offenders.

GREEN B. RAUM,
Commissioner.

UNITED STATES INTERNAL REVENUE,
COLLECTOR'S OFFICE, SECOND DISTRICT, ALABAMA,
Montgomery, April 7, 1879.

SIR: I send herewith a copy of the letter received from Deputy Collector F. M. Shouse upon which I based my dispatch to you on the 5th instant. I also send a copy of dispatch this day received from him.

I send this letter and dispatch simply to show you the energy with which Mr. Shouse conducts raids against illicit distillers, and also to show you the dangers to which the party has been exposed during the raid of the last few days.

The persons accompanying Mr. Shouse on this raid (excepting deputy marshals) are employed under the allowance authorized by your letter of November 2, 1878.

I will render to your office as soon as possible reports of seizures on Form 117, and also detailed report of his operations.

Respectfully,

JAMES T. RAPIER,
Collector.

Hon. COMMISSIONER INTERNAL REVENUE,
Washington, D. C.

CROSS PLAINS, *April* 3, 1879.

DEAR SIR: I am again at this place after a ride of 26 hours and 70 miles distance.

At 3.20 p. m. I started east for the Tallapoosa River settlement, reaching it about 8.30 p. m. After obtaining my informant and guide we moved rapidly and were soon into it lively. There were two stills within one mile of each other, and in order to secure both the force was divided, leaving four with each party (Mr. Hewlett being absent). One party was under direction of ———, than whom no one else is better qualified to command, and the other party under direction of myself. I proceeded

against a still near the State line, operated, as I am informed, by Banche Tanner and Sandy Knowles, the latter being a desperate character. In our approach, that being the only road leading to or from, we had to pass within 100 yards of some cabins, and as we approached them, on hearing our horses, a signal gun was fired, when we charged at full speed (800 yards) upon it to find it doubling off, with two large pine fires burning hard by, as if to light any approach and enable the parties to escape.

We heard them leaving but saw no one. ——— and myself commenced to destroy, while ———, ———, other parties with me, deployed as skirmishers. Within eight minutes' time two or more parties commenced firing upon us from a hillside near by with pistols. ——— and I stood, fully lighted up by their pine fires, and returned their fire, while a rapid flank movement by ——— and an occasional fire from their pistols drove the parties from the hill, and under cover of our pickets we completed its destruction.

This brought us to about 9.20 p. m. We then returned to the designated meeting point.

The party under ——— proceeded against a distillery known as Joe Little's, also near the State line. These gentlemen passed around the residence of said Little's father, and on reaching the still-house found everything in place, and proceeded at once to the destruction of the copper. This attracted the attention of the neighborhood, and by the time they destroyed the copper and before anything could be done with the stands of mash and beer, they were fired upon with double-barrel shot-guns, and approaching voices from different directions forced them to retire hastily. There was an endeavor to cut them off by the parties running across a plantation and firing in their direction.

They rejoined us at the point designated, and at 10 p. m. we together proceeded against a distillery, reputed to belong to George Bently, immediately on Tallapoosa River. This point was reached about 12.40 a. m. to-day.

Respectfully yours, &c.,

F. M. SHOUSE, *Deputy Collector.*

Hon. JAS. T. RAPIER,
Collector Internal Revenue, Montgomery, Ala.

UNITED STATES INTERNAL REVENUE,
COLLECTOR'S OFFICE, SECOND DISTRICT ALABAMA,
Montgomery, May 9, 1879.

SIR: I send herewith for your consideration a letter this day received from Deputy Collector F. M. Shouse, giving his views upon the subject of clemency extended by the department to violators of revenue laws, &c.

Respectfully,

JAMES T. RAPIER, *Collector.*
By JNO. W. RAINES,
Office Deputy and Clerk.

Hon. COMMISSIONER INTERNAL REVENUE,
Washington, D. C.

UNITED STATES INTERNAL REVENUE,
DEPUTY COLLECTOR'S OFFICE, SECOND DISTRICT ALABAMA,
Talladega, May 7, 1879.

DEAR SIR: Having recently returned from Huntsville, Ala., where I spent near three weeks in attendance on United States circuit court, I beg to submit the following as my views upon the subject of clemency extended by the department to the many violators heretofore arraigned.

As you are aware the northern district, whose court is held at Huntsville, embraces my entire division, with the exception of Talladega County, and all of the stills seized and destroyed by me, except one, were in that district, and their operators, when arrested, were either sent to jail at Huntsville or held to bail for their appearance there.

The section of country in which I have operated against illicit distillers, embracing about 120 miles of the line between this State and Georgia, all of which is very broken and mountainous, is inhabited by a class of people having but little, and in many instances no, regard for Federal authority, and of which at least three-fifths of the adult male population have violated the revenue laws within a period of five years past by illicit distillation of whisky or brandy, or the aiding or abetting therein, or the sale thereof. An effort on the part of officials to suppress this illicit trade necessarily led to numerous arrests, and in some neighborhoods where parties are not defendants they are witnesses to such an extent as to require the attendance at court of

the entire male population of whole settlements. This was particularly the case with Cleburne County, of this State, at May and October terms of court in 1878; and in January, 1879, at a special term held there, it was estimated, and I think pretty correctly too, that there were at least 800 men as defendants and witnesses from Cleburne County, at Huntsville in attendance on court, and I think it no exaggeration to say that there were 100 defendants in that county who forwarded physician's certificates at that time to that term of court, and did (not?) appear in person.

The like of this necessarily makes the courts here expensive to the government, for there are considerable expenses attending the attendance of each individual there, if defendants, the fees to the officers securing their attendance, and if witnesses their fees, all of which comes out of the government. Now; as a voucher sustaining the actions of the officers making affidavits, issuing warrants, making arrests, subpœnaing witnesses, I here state that more than 250 citizens of the county of Cleburne alone in January last pleaded "guilty" to the charge pending against them, and promised payment of costs rather than go to trial with the testimony of confronting witnesses before the court and jury.

My object is to speak of the extent to which illicit distilling prevailed in Cleburne County, as late as March and the first of April last. This too in face of a violated clemency in spirit, if not in letter.

After such a manifestation on part of the citizens of Cleburne County in January last, to avail themselves of the clemency offered by the Departments of Internal Revenue and of Justice, to violators of the revenue laws here, I was somewhat anxious to see to what extent they were favorably affected towards those departments and the government thereby.

Cleburne furnishing a better field of observation to that particular end than elsewhere in my division, I spent some time in the month of February and March in that county, observing to what extent, if any, stilling had decreased, with the following result:

Last November, on a raid of ten days in Cleburne County, I succeeded in destroying twelve distilleries and eight coppers in said county, as my report of that date shows; and on the 14th of March last, I knew of my own knowledge of several distilleries in operation therein, and had information of four others.

First week in April last, on a raid of four days in that county, I seized four distilleries and five coppers, and found that four of those coming within my knowledge had been moved subsequent to the 4th of March, neither one of which I succeeded in getting.

I am of the opinion that those stills, and as many others are now in operation in that county; hence I am impressed with the idea that the clemency referred to has not been appreciated by these people, and presume that they are a fair criterion by which to judge others.

I find that after stills have been destroyed there are many who profess knowledge of their former existence, but, with three exceptions, I have never found a man in that county from whom I could get any information relative to the existence of any distillery whatever. Even the judge of probate of that county, and the county superintendent of education, and late county solicitor, went so far as to assure me by every manner of assertion that it was impossible that distilleries could exist and be operated in that county without their knowledge, and that to a certainty none existed then. In three days thereafter I located five, and within forty days of that time, I seized twelve distilleries in that county, that were in operation when the assertion was made to me.

Obediently, yours &c.,

F. M. SHOUSE,
Deputy Collector Internal Revenue.

Hon. JAMES T. RAPIER,
Collector Internal Revenue, Montgomery, Ala.

UNITED STATES INTERNAL REVENUE,
COLLECTOR'S OFFICE, SECOND DISTRICT ALABAMA,
Montgomery, November, 14, 1879.

SIR: I inclose herewith a letter of this date from Deputy F. M. Shouse, asking for arms, to be used by parties making raids against illicit distillers.

Mr. Shouse is a cautious and judicious officer, and knows whereof he speaks, and if the arms called for can be had, I hope you will take the necessary steps to procure them at an early day.

Respectfully,

JAMES T. RAPIER, *Collector.*

Hon. COMMISSIONER INTERNAL REVENUE,
Washington, D. C.

UNITED STATES INTERNAL REVENUE,
COLLECTOR'S OFFICE, SECOND DISTRICT ALABAMA,
Montgomery, November 14, 1879.

DEAR SIR: As the indications seem to me to point to an unusual activity on part of illicit distillers in Northeast Alabama this fall season, and anticipating considerable work in that line, and my former difficulties with that class of offenders along the dividing line between Alabama and Georgia, I think justify my application through you for six good breech-loading repeating long-ranged guns for use in the raiding service. I have made two raids along said line within twelve months, and myself and posse have met with armed resistance on four occasions, and I know of four instances in which other officers met with like resistance in same section of country. If the arms are allowed me I will be responsible for their proper care.

Most obediently yours, &c.,

F. M. SHOUSE,
Deputy Collector Internal Revenue.

Hon. JAMES T. RAPIER,
Collector Internal Revenue, Montgomery, Ala.

UNITED STATES INTERNAL REVENUE,
COLLECTOR'S OFFICE, SECOND DISTRICT ALABAMA,
Montgomery, February 10, 1880.

SIR: In reply to yours of 7th January, I have to say that it affords me much pleasure to be able to state that illicit distilling is well nigh suppressed in this district. While I am of opinion that there will be more or less distilling carried on as long as corn is grown in this country, I do not hesitate to say that illicit distilling as a business is well nigh over.

I hand you the following extracts from the reports of January, from several of the deputies whose divisions have been most infested with it.

Deputy Collector Strouse writes from Talladega.

"I have just returned from a trip into Calhoun, Cleburne, Etowah, and Saint Clair, and more recently from Clay County, and have ridden more than 500 miles through the worst counties in mine and the adjoining divisions. In Cleburne County I only found one still-house that has been thus occupied this season, but that is now abandoned. I found and captured one copper cap and worm near Delta, in Clay County, which I have reported formally on 161. Comparatively speaking, this division is clear of illicit distilling. I have not been aided in the least by public sentiment."

Deputy Collector Davis, of the third division, writes:

"During the month of January I have canvassed my division carefully. I captured one still in Marshall County on the 7th. On the 20th I left Huntsville on a trip to Cherokee in search of stills that had been reported to you as being in operation. I canvassed Cherokee, Saint Clair, Etowah, and De Kalb, and visited the places where said stills were reported to be operating, but found said reports to be groundless. I am of opinion that there has been very little illicit distilling carried on in this division for some time. Public sentiment does not aid me in my efforts to enforce the laws against illicit distillation."

Deputy Collector McIntyre, whose division runs down the Tennessee River and along the Mississippi line, in his report, says:

"I have reason to believe that there are a few illicit stills in operation in my division, but up to this time I have been unable to locate them. I have completed the canvass of Lauderdale and Colbert—the former the worst county in my division. I proceed to-morrow to Marion and Lamar, the counties in which I am informed that there is some illicit distilling being carried on. If the people would only assist me to ferret out the violators of the law, I would soon show you a division clear of illicit distilleries; but as it is now, as soon as a Federal officer reaches the neighborhood in which there are such violations, his approach is at once made known, and every effort made to thwart the enforcement of the law. Public sentiment does not aid me in the least."

Deputy Collector Sheets writes:

"There is not, as far as I can learn, a great deal of illicit distilling going on in my division, and what is done is carried on in the recesses of the mountains, and is very difficult of access. The officers get no encouragement in their efforts from the citizens in the communities where such violations are perpetrated. They will neither tell who the distillers are, nor where the distilleries are located. The officers are forced to grope their way in darkness, watched and suspicioned by every one."

Notwithstanding the difficulties the deputies have had to labor under, I am glad to say that this district is, comparatively speaking, free from illicit distilling; and by

the judicious expenditure of a little money, I will be able to locate what few are now being operated, and before the season is over will have seized them.

The action of the court, at last fall term, in sending several of such offenders from this district to Detroit, Mich., for fifteen months each, has had much to do with the stopping of those engaged, and in deterring others from engaging in this illicit distilling.

The best evidence, perhaps of all, that the people have well nigh abandoned the illicit business is the numerous applications for information to guide them in setting up legal distilleries.

Most respectfully,

JAMES T. RAPIER,
Collector, &c.

Hon. COMMISSIONER INTERNAL REVENUE,
Washington, D. C.

DISTRICT OF ARKANSAS.

Synopsis of correspondence.

1878.

May 4. Letter from Collector Wheeler, reporting assassination of a deputy marshal, supposed to be by an illicit distiller whom he was sent to arrest.

Aug. 22. Collector Wheeler forwards report of Deputy Collector Hollowell of bad state of affairs in respect to illicit distillation in Izard, Baxter, and Fulton Counties.

Oct. 3. Collector Wheeler reports formidable resistance by illicit distillers in Baxter County. They have organized, inclosed their stills within fortified works, and are prepared to defend them. Incloses report of Deputy Collector Hollowell.

Oct. 10. Telegram from Commissioner of Internal Revenue to Collector Wheeler, saying that the aid of the military force to enforce the internal-revenue laws will not be invoked until all other means are exhausted. Organize force strong enough to seize the stills and arrest offenders.

Oct. 11. Telegram from Commissioner of Internal Revenue to Collector Wheeler, asking if he can arm his force.

Oct. 11. Collector Wheeler telegraphs, asking that he be authorized to use arms in possession of United States troops.

Oct. 11. Collector Wheeler states that he has sent detective to Baxter County to ascertain if there is any change in the condition of affairs there.

Oct. 11. Commissioner of Internal Revenue telegraphs Collector Wheeler to ask co-operation of Collector Budlong, if he needs assistance.

Oct. 12. Commissioner of Internal Revenue informs Collector Wheeler that orders will be sent from War Department to supply arms.

Oct. 14. Revenue Agent Kinney telegraphs that resistance is confined to Baxter County.

Oct. 15. Telegram from Revenue Agent Kinney, saying illicit distillers have sunk their stills in the bayou and scattered.

Nov. 1. Collector Wheeler reports result of operations in Baxter County; states that illicit distillers have secreted their stills and fled. Some who have been engaged in illicit distilling propose to register their stills and work them in accordance with the laws.

Nov. 5. Collector Wheeler reports that prominent citizens of Baxter and Fulton Counties offer their assistance to break up illicit distillation in that section of State, and that he is making efforts to induce citizens in the other counties to interest themselves in the same direction.

1880.

Jan. 20. Report of condition of his district in regard to illicit distillation.

UNITED STATES INTERNAL REVENUE,
COLLECTOR'S OFFICE, DISTRICT ARKANSAS,
Little Rock, May 4, 1878.

SIR: Inclosed herewith please find copy of letter to Gov. W. R. Miller, under date of May 1, relative to the assassination of Thomas E. Rodgers, of Clay County. Mr. Rodgers was deputy marshal for Clay County, and was the party who furnished the information to this office that led to the capture of the two illicit stills in that county in March last, and reported to you by letter from this office under date of March 9.

It is supposed that he was killed by one Frank Gatlin, who was the owner of the stills above referred to. Gatlin escaped at the time, and was supposed to have gone to Kansas, where I have instituted search for him.

Warrants for his arrest have been in the hands of Deputy Rodgers for some time; and I was in hopes he would succeed in capturing him. Gatlin came from Missouri, and I presume will now return there, and I shall communicate with collector second district, Missouri, with a view of bringing him to justice. He is a very dangerous character, and has given the authorities considerable trouble both in this State and Missouri.

Very respectfully,

EDWARD WHEELER, *Collector.*

Hon. G. B. RAUM,
Commissioner Internal Revenue, Washington, D. C.

BOYDSVILLE, ARK., *May* 1, 1878.

Gov. W. R. MILLER,
Little Rock, Ark.:

Please inform United States marshal that Thos. E. Rogers, one of his deputies, was shot from the bushes and killed Monday morning, 29th April. That the supposition is that Frank Gatlin killed him. The marshal will know who Gatlin is. Perhaps he had better come or send down and get some papers that Rodgers had when killed.

Your friend,

W. S. BLACKSHURE,
Sheriff, Clay County.

P. S.—I don't know marshal's name or would write to him.

UNITED STATES INTERNAL REVENUE,
COLLECTOR'S OFFICE, DISTRICT OF ARKANSAS,
Little Rock, August 22, 1878.

SIR: I have the honor to inclose herewith copy of letter received this date from B. F. Hollowell, who has been acting as special deputy for the purpose of looking up illicit distillers in that part of the State. Mr. Hollowell reports a bad state of affairs in the vicinity of State line, in the counties of Fulton, Izard, and Baxter.

Mr. Hollowell has been in the employ of the revenue department of this district for nearly two years (at intervals), and has always performed his work in a bold, fearless manner. I have always found his statements to be true; and I have no doubt (from what information I have from other sources) that just such state of affairs exists in the counties of Baxter, Fulton, and Izard as he represents.

It is impossible for me to send my regular deputy to make these investigations, for the reason that he is well known throughout these counties, and is watched closely; and I am fearful that Mr. Hollowell will meet with trouble. During the fruit season these illicit distillers are particularly active, and are constantly on guard; and it is with the utmost difficulty that any information can be obtained from citizens of those counties who have a disposition to give information, as such a reign of terror exists that they dare not do it.

I take the liberty of addressing you in person in regard to this matter, and trust you will give it careful attention, and advise me fully how to proceed.

I am, sir, very respectfully,

EDWARD WHEELER, *Collector.*

Hon. G. B. RAUM,
Commissioner Internal Revenue, Washington, D. C.

CORNER OF BAXTER COUNTY, *August* 16, 1878.

Col. EDWARD WHEELER,
Little Rock:

In the corner of Fulton, Izard, and Baxter, there is the worst state of affairs I ever saw. From what I have thus far learned, it seems every desperado from Missouri and Arkansas have congregated in this locality; and they are completely organized, and hold what few citizens there are disposed to do right in complete awe.

They have a regular place of rendezvous. This is situated at the head of a deep

ravine, called Float Creek, remote from the settlement, every way favorable for their nefarious purposes.

Brown and myself have scoured the country pretty well, and learned much that is of value; but I am not satisfied; and I shall for the next few days rest and sleep, and travel in the night.

I am fully aware of the risk I run, and my friends try to dissuade me from visiting the localities in which these wretches stay; but I have counted the cost; and, if not providentially prevented, shall assuredly go through and through them.

Very respectfully and truly, yours,

BENJAMIN F. HOLLOWELL.

UNITED STATES INTERNAL REVENUE,
COLLECTOR'S OFFICE, DISTRICT OF ARKANSAS,
Little Rock, October 3, 1878.

SIR: By reference to my letter of September 28, relative to the operations of illicit distillers in this district, and the means I had taken to suppress them, it will be observed that I referred to those in the counties of Baxter, Fulton, and Izard as the most formidable, and that I had sent Deputy Marshal Woodward to that portion of the State, with force of 20 men, for the purpose of making arrests on writs I had previously taken out. At the same time I reported that this posse had captured four prisoners and destroyed one large copper still.

The force returned yesterday, bringing in one more prisoner; and I look for four more in a day or two, as one deputy marshal has not returned.

Deputy Marshal Woodward reports bad state of affairs existing in Baxter County, where he met with armed resistance so formidable that he was unable to make arrests without incurring loss of life. He reports these parties as being strongly fortified in n narrow gorge in the mountain, that affords natural protection, and that they are well armed with rifles. He thinks they have at least five large copper stills within the fortifications, and believes they will defend them to the last; but he thinks, however, that with a force of forty or fifty men, well armed with needle-guns, he can capture the entire force. Deputy Marshal Woodward's statements are fully corroborated by statements made to me in writing by B. F. Hollowell (copy herewith inclosed), who has been employed for the past two months in working up these cases. Mr. Hollewell has given a good deal of time and attention to these parties, and I regard his statement as reliable.

In view of the fact that these desperadoes have banded themselves together in open resistance to the lawful authorities and in defiance of all law, and being too formidable to capture with marshal's posse, I would respectfully request that authority be given me, through the proper channels, to use the military forces of the United States to suppress this armed band of desperadoes.

I believe, if I can be furnished with a force of forty or fifty armed men, to be placed at my disposal, that within thirty days from time of commencing I can rid these counties of this nest of outlaws, and bring the greater part of them to punishment, and destroy all means of carrying on this nefarious business.

Deputy Marshal Woodward thinks that this force will continue in armed resistance, and that they will not abandon their position.

I will place a watch over them, as well as I can, until I can be further advised by you; and I trust no delay will be had in giving me full instructions.

Very respectfully,

EDWARD WHEELER, *Collector.*

Hon. G. B. RAUM,
Commissioner Internal Revenue, Washington, D. C.

SEPTEMBER 30, 1878.

DEAR SIR: Ham has just left and you will see him. Ordered me to make certain other arrests before I came to the Rock.

As to our work, the entire district of stills after which I have worked, is in state of perfect organization. News of our approach went from the place where the first arrests were made, and all the stills scattered around within 20 miles were, by order of the *head man*, moved into a place of safety; and the men running these stills retired also to the same place. One still alone had not been moved in this district, which they intended to defend, as it was within three miles of their fortifications; but we pushed more rapidly than they expected, and broke it up while the still man was gone

for assistance. They are now within the fortifications on Bennett's Bayou, 12 miles from the mouth of Bennett's Bayou, within a short distance of the road leading from Salem, Fulton County, to Mountain Home, Baxter County, directly on the county line.

They are doing a large business, have a storekeeper, and everything necessary for success in the business, except a legal right. There are not less than 25 regular workers, together with an obligated force of men, variously estimated at from 30 to 60 men, who are all sworn and pledged, as to life and property, for the defense of those stills.

The stills thus fortified are on the bayou, which affords a cliff on same side, washed by the river, except at a place near the center, where there is a curve in this rock shore, and somewhat in the shape of a horseshoe; and across this the fortifications or breastwork is built. And about three miles from this is a log hut in the deep ravine—to which reference was made in a former communication—used for two purposes, viz, to deposit whisky, and for a retreat or a place of safety for stragglers, *i. e.*, persons failing to reach the fort.

To break this up is to put an end to the business in North Arkansas.

I will be down by Sunday next, I think.

B. F. HOLLOWELL.

Collector EDWARD WHEELER.

[Telegram.]

TREASURY DEPARTMENT,
OFFICE OF INTERNAL REVENUE,
Washington, October 10, 1878.

EDWARD WHEELER, Esq.,
Collector, Little Rock, Ark.:

It is decided not to invoke aid of military force to enforce the laws until you have exhausted all other means. You are authorized to employ as large force as you think necessary to enable you to seize the stills, and secure the arrest of offenders referred to in your letter of 3d instant. All expenses will be paid on Form 131.

If you cannot arm the force, inform me what you need, and arms will be ordered from here. Call upon the marshal to assist you with all the means at his command. Organize force strong enough to overcome resistance without bloodshed, if possible.

Act promptly and vigorously, and enforce the law at all hazards. Inform this office, by telegram, of your action.

H. C. ROGERS,
Acting Commissioner.

[Telegram.]

TREASURY DEPARTMENT,
OFFICE OF INTERNAL REVENUE,
Washington, October 11, 1878.

E. WHEELER, Esq.,
Collector, Little Rock, Ark.:

Telegram received. Can you arm your force with weapons suitable for the service to be performed? If not, inform this office, and you will be supplied as early as possible. Do not fail to so organize and equip your force as to preclude any risk of disaster to it. Keep me informed by telegraph of your action. Revenue Agent Kinney has been ordered to Little Rock to assist you.

H. C. ROGERS,
Acting Commissioner.

[Telegram.]

LITTLE ROCK, ARK., *October* 11, 1878.

Hon. GREEN B. RAUM,
Commissioner Internal Revenue:

The United States troops stationed here have upwards of 40 breech-loading rifles surplus, not in use, with plenty ammunition. Can commanding officer here be instructed, through proper channel, to deliver them to me?

E. WHEELER, *Collector.*

[Telegram.]

LITTLE ROCK, ARK., *October* 11, 1878.

HON. GREEN B. RAUM,
Commissioner Internal Revenue:

I have sent detective to Baxter County to-day to ascertain if situation remains unchanged and parties are still in armed resistance. While awaiting this information will organize and equip as best I can force of about 60 men to move when necessary.

E. WHEELER, *Collector.*

[Telegram.]

TREASURY DEPARTMENT,
OFFICE OF INTERNAL REVENUE,
Washington, October 11, 1878.

E. WHEELER, Esq.,
Collector, Little Rock, Ark.:

If you need assistance of Missouri officers in operations in Baxter County, telegraph Collector Budlong as to time and place of disposition of his force. He has been instructed to co-operate with you if necessary.

H. C. ROGERS,
Acting Commissioner.

[Telegram.]

TREASURY DEPARTMENT,
OFFICE OF INTERNAL REVENUE,
Washington, October 11, 1878.

E. WHEELER, Esq.,
Collector, Little Rock, Ark.:

Telegraphic orders will be sent from the War Department, through General Hancock, to supply the arms asked for in your telegram of yesterday.

H. C. ROGERS,
Acting Commissioner.

[Telegram.]

LITTLE ROCK, ARK., *October* 14, 1878.

HON. GREEN B. RAUM,
Commissioner Internal Revenue:

Resistance confined to one locality in Baxter County. Expect full information from there to-morrow. If situation remains unchanged will move upon their works at once. Can overcome all resistance with means now at hand. Sufficient arms are provided.

T. J. KINNEY, *Revenue Agent.*

[Telegram.]

LITTLE ROCK, ARK., *October* 15, 1878.

HON. GREEN B. RAUM,
Commissioner Internal Revenue:

Information from Baxter County that distillers have sunk stills in bayou, abandoned works, and scattered, alarm having been taken by published dispatches from Washington.

Sufficient force leaves to-day to scour that country perfectly. Can be of no further use here. Shall I return to Saint Louis?

T. J. KINNEY, *Revenue Agent.*

UNITED STATES INTERNAL REVENUE,
COLLECTOR'S OFFICE, DISTRICT OF ARKANSAS,
Little Rock, November 1, 1878.

SIR: I have the honor to report that the marshal's posse sent to Baxter County on October 15 have returned, and bring with them five prisoners charged with being engaged in illicit distilling, and these, together with those previously captured, making ten in all, is the result of the raids in Izard, Baxter, and Fulton Counties.

While but little was accomplished in the way of making arrests and capturing stills, yet we accomplished fully as much as we had reason to expect, as the parties were on the look-out for troops, as there had been so much publicity given through the press of the intentions of the government that they became alarmed, and had fled to the mountains, and secreted their stills where the marshal's posse was unable to find them. I am satisfied, however, that the raid will ultimately result in much good, as, from what I can learn, the better class of citizens in that portion of the State are becoming alarmed and are now willing to render assistance to the government authorities in suppressing these violations in their midst.

As an evidence that these deluded people are becoming alarmed, I have only to refer to the fact that several heretofore engaged in the business of illicit distilling have now registered their stills, and are willing to abandon the business. One of the most troublesome characters on the border (Tom Mallinee) has commenced building a distillery in Marion County, near the line of Baxter County, and proposes to operate under the law. I am in hopes that Mallinee will soon get his registered distillery in operation, as that alone will have a tendency to break up all illicit work in that section, especially when a reformed moonshiner is conducting it.

I inclose clippings from the city papers in regard to the raid.

I am in hopes that there will be no further trouble in that portion of the State to report again. I am giving considerable attention to the matter of new grain distilleries, and will have at least two new ones in operation by 1st January next, and perhaps more. This is the best and cheapest way to suppress the "crooked."

Very respectfully,

EDWARD WHEELER, *Collector.*

Hon. G. B. RAUM,
Commissioner Internal Revenue, Washington, D. C.

UNITED STATES INTERNAL REVENUE,
COLLECTOR'S OFFICE, DISTRICT OF ARKANSAS,
Ash Flat, October 26, 1878.

DEAR SIR: As I expected, the raid has not proved so successful as to number of arrests as it might under other circumstances, but I feel sure that no raid anywhere ever produced a greater moral effect than this.

The citizens have formed clubs, banding themselves together in aid of revenue officers, and to prevent illicit stilling among them, and I feel sure they mean what they say.

Citizens had notified stillers before we arrived among them that they must stop their business. This, together with certain other things published in Little Rock papers, caused them to dispose of or move their stills into Missouri.

We discovered some twelve or fifteen places where persons had been stilling, all of which, of course, were destroyed. Five men were captured.

A great many made their escape; not less than six, all principal men, might have been killed, but could not be captured alive, for the reason they are splendidly mounted and know all the defiles and intricacies of these mountainous regions.

Respectfully and truly, your obedient servant,

BENJAMIN F. HOLLOWELL.

Collector EDWARD WHEELER.

UNITED STATES INTERNAL REVENUE,
COLLECTOR'S OFFICE, DISTRICT OF ARKANSAS,
Little Rock, November 5, 1878.

SIR: I have the honor to report that I am in receipt of letter from prominent citizens of Baxter and Fulton Counties, relative to the operations of illicit distillers in those counties (copy of which appears in published notice inclosed), and these citizens pledge their word and honor that they will render what assistance they can to

break up these unlawful pursuits; and I feel confident that there will be no further trouble in that section.

I am using every effort to induce citizens in other counties (where this business is being conducted to a limited extent) to interest themselves in the same direction, and have addressed the most prominent citizens, calling their attention to the example set in Baxter and Fulton Counties.

This is the most feasible plan to adopt, as without the co-operation and assistance of the citizens, it is almost impossible to capture the guilty parties in the mountain districts.

Very respectfully,

EDWARD WHEELER, *Collector.*

Hon. G. B. RAUM,
Commissioner Internal Revenue, Washington, D. C.

UNITED STATES INTERNAL REVENUE,
COLLECTOR'S OFFICE, DISTRICT OF ARKANSAS,
Little Rock, January 20, 1880.

SIR: I have the honor to acknowledge the receipt of your letter of 7th instant, requesting information as to the present condition of my district in regard to illicit distillation, and in reply I have the honor to state that I have delayed answering your letter until this time, as I wished to get reports from my deputies, which I now have.

As to the present condition of the district in this respect, I have to say that I hear of three localities where I have reason to believe there are illicit stills in operation. I am making every effort to ascertain all the information possible in regard to them, and am determined to suppress them.

I apprehend that there will be but little forcible resistance to the enforcement of the laws, for the reason that they are not strong enough to undertake it; and besides they do not have the support of the better class of the citizens, as was formerly the case.

As to the present condition of affairs in the counties of Baxter, Fulton, and Izard, I have to say that from reports received from reliable citizens in these counties, I have reason to believe that there are no violations of this character now being carried on there.

The principal "moonshiners" that heretofore operated there have been forced to leave; and I fear but little trouble from that section. I am in hopes to be able to report the suppression of every illicit still in this district by the 1st of April ensuing.

Very respectfully,

EDWARD WHEELER, *Collector.*

Hon. G. B. RAUM,
Commissioner Internal Revenue, Washington, D. C.

THIRD DISTRICT OF GEORGIA.

Synopsis of correspondence.

1878.

May 3. Letter from Collector Wade, inclosing report of attempted assassination of J. E. Cummings, who had given information of violations of internal-revenue laws.

May 28. Collector Wade reports the shooting of a colored man who had been employed as a guide to illicit distilleries.

Sept. 12. Letter from Collector Wade in regard to the killing of Kimbrew and wounding of Lane, of the marshal's force, while attempting to arrest Ennis, an illicit distiller.

1879.

Jan. 2. Letter from Collector Wade, inclosing report of Deputy Collector Blacker of resistance in Jasper County.

Jan. 2. Telegram from Commissioner of Internal Revenue to Collector Wade, directing prompt arrest of persons who forcibly rescued seized property from deputy collectors.

Jan. 4. Collector Wade sends formal report of the rescue by armed body of illicit distillers of seized property from officers in Jasper County.

Jan. 30. Letter from Collector Wade, asking assistance to enable him to enforce the internal-revenue laws in Jasper County.

May 2. Collector Wade incloses reports of deputy collectors as to the condition of affairs in Elbert County. Illicit distillers have armed and combined to resist officers. The best citizens desire to have this organization broken up and illicit distillers arrested.

May 3. Collector Wade reports outrages by persons guilty of violating the internal-revenue laws in his district.

Oct. 13. Telegram from Collector Wade, stating that the officers have been compelled to return to Elberton for assistance.

Oct. 14. Telegram from Commissioner of Internal Revenue in reply to the above.

Nov. 3. Collector Wade reports assault upon a witness in Appling County.

Nov. 10. Collector Wade sends report of hostile demonstration by illicit distillers in Elbert County.

Dec. 8. Collector Wade reports assault upon a witness by illicit distillers in Wilcox County.

UNITED STATES INTERNAL REVENUE,
COLLECTOR'S OFFICE, THIRD DISTRICT GEORGIA,
Savannah, May 3, 1878.

SIR: I have the honor to transmit you the inclosed copy of letter of Deputy Collector William J. White, in reference to the assassination of Mr. J. E. Cummings, in regard to which a telegram was sent you a few days ago, and invite your attention particularly to its contents.

I feel that I must act with great caution and prudence in this matter, and earnestly ask your advice in the premises.

Very respectfully,

EDWARD C. WADE, *Collector.*

HON. GREEN B. RAUM,
Commissioner Internal Revenue, Washington, D. C.

UNITED STATES INTERNAL REVENUE,
DEPUTY COLLECTOR'S OFFICE, THIRD DISTRICT GEORGIA,
Milledgeville, Ga., May 2, 1878.

SIR: Mr. J. E. Cummings, who telegraphed you on the 23d ultimo in reference to the seizure of illicit tobacco, was shot down in the street on Tuesday night about nine o'clock, by some at present unknown party.

The parties implicated in this matter are, some of them, very desperate characters, and everybody believes that one of them waylaid Cummings to kill him, to get rid of his testimony.

A large sum of money was offered to Cummings to induce him to leave; his declining this has probably cost him his life.

He was shot in the right breast; the ball, ranging downwards, has been extracted from his right side. He now lies in a very critical condition. Sent for me this morning. I found him so weak that I would not allow him to talk to me.

I am acting cautiously, and, as far as I know, prudently, and shall anxiously look for an immediate reply from you.

The community are much incensed, but the assassin has escaped. The tobacco exposures are what is most feared.

Very respectfullly,

WM. J. WHITE,
Deputy Collector.

Col. E. C. WADE,
Collector Internal Revenue, Savannah, Ga.

UNITED STATES INTERNAL REVENUE,
COLLECTOR'S OFFICE, THIRD DISTRICT GEORGIA,
Savannah, May 28, 1878.

SIR: Special Deputy Collector A. B. Smith has returned from Tattnall County, where, by the assistance of a colored man, he located seven illicit distilleries.

The colored man has just arrived, and is having a load of buckshot, from a double-barreled gun, taken out of his back. He is seriously hurt. To-morrow I will issue warrants and will send a force with the marshal to make the arrests.

Very respectfully,

EDWARD C. WADE, *Collector.*

HON. GREEN B. RAUM,
Commissioner of Internal Revenue, Washington, D. C.

UNITED STATES INTERNAL REVENUE,
COLLECTOR'S OFFICE, THIRD DISTRICT GEORGIA,
Savannah, September 12, 1878.

SIR: I have the honor to transmit herewith extracts from papers giving in detail the circumstances of the encounter between the Ennis brothers, of Hancock County, in this district, and Deputy United States Marshal Lumsden and posse, in regard to which a telegram was sent you by me this morning. I believe the newspaper account to be in the main correct. The Ennis brothers are the illicit distillers who made the brandy bought by Samuel Evans, of Milledgeville, who, for his connection with the matter, was bound over to appear for trial at the next term of the United States circuit court, and are supposed to have been concerned in the attempted assassination of Mr. J.E. Cummings, who was shot at Milledgeville last summer, on account of the part taken by him in the apprehension of Evans.

Very respectfully,

EDWARD C. WADE, *Collector.*

HON. GREEN B. RAUM,
Commissioner Internal Revenue, Washington, D. C.

[Special telegram to the Morning News.]

A deputy United States marshal killed.

MILLEDGEVILLE, GA., *September* 11.

Last night at eight o'clock a squad of three police from Macon, under command of United States Deputy Marshal D. B. Lumsden, went to the Ennis house in Hancock County to arrest the Ennis brothers. Lumsden and one of the posse named Kimbrew advanced to the house, Kimbrew having a pistol in his hand. One of the Ennis brothers met them at the door and fired upon them, striking Kimbrew in the right arms breaking it below the elbow. Another of the squad, Mr. Lane, then started to Kimbrew; one of the Ennises commenced firing on him, he returning the fire. Lane was badly shot in the abdomen and thigh. There was a warrant for illicit distilling out against the Ennis brothers, who are believed to be unhurt. Kimbrew died at 12 m. today.

UNITED STATES INTERNAL REVENUE,
COLLECTOR'S OFFICE, THIRD DISTRICT GEORGIA,
Savannah, January 2, 1879.

SIR: Your telegram of even date, directing the arrest of all the persons comprising the armed party that resisted revenue officers near Covington, has been received and copies of the same transmitted to the United States attorney and Special Deputy Blacker, with request that steps be immediately taken to carry out your instructions.

I inclose herewith, for your information, copy of telegram of Special Deputy Blacker reporting this affair.

Very respectfully,

EDWARD C. WADE, *Collector.*

HON. GREEN B. RAUM,
Commissioner Internal Revenue, Washington, D. C.

[Telegram.]

COVINGTON, GA., *December* 31, 1878.

COL. E. C. WADE,
Collector, Savannah, Ga:

Myself and Deputy Rhodes just arrived from Jasper County; seized two copper stills, caps, and worms, complete, in operation; also, one ox, one two-horse wagon, and twenty-five gallons of corn whisky.

An armed mob from Jasper County caught up with us 12 miles south of Covington and recaptured ox, wagon, and whisky by force of arms. I leave for Atlanta on first train for purpose of consulting with United States district attorney.

C. B. BLACKER,
Special Deputy Collector.

[Telegram.]

TREASURY DEPARTMENT,
OFFICE OF INTERNAL REVENUE,
January 2, 1879.

E. C. WADE,
Collector, Savannah, Ga.:

Ascertain all names of armed party from Jasper County who resisted officers near Covington, procure warrants for them, and call upon United States marshal for their prompt arrest.

GREEN B. RAUM,
Commissioner.

UNITED STATES INTERNAL REVENUE,
COLLECTOR'S OFFICE, THIRD DISTRICT GEORGIA,
Savannah, January 4, 1879.

SIR: I have the honor to transmit herewith, for your information, copy of report of Special Deputy R. C. Rhodes, relative to his operations during the month of December.

Very respectfully,

EDWARD C. WADE, *Collector.*

Hon. GREEN B. RAUM,
Commissioner Internal Revenue, Washington, D. C.

BARNETT, GA., *January* 1, 1879.

SIR: I have the honor to submit the following report for month of December:

Deputy Blacker and I left Covington at 10 o'clock p. m. for Jasper County. We traveled 23 miles into Jasper, and our paid guide, ——— ———, carried us to a distiller whose name I failed to get, but will no doubt be reported by Deputy Blacker, seized his still, a 75-gallon copper still, destroyed at the still-house about 1,800 gallons of beer ready for use and two barrels low wines. After putting the still in our wagon we proceeded immediately about one mile distant, at 4 o'clock a. m., to distillery of Isaac Bailey, found still in operation; colored man and one white man.

Bailey's still is 75 gallons, copper. We destroyed one barrel low wines, and took charge of the still, cap, and worm, about 35 gallons corn whisky, an ox team, and the two persons referred to, and started for Covington. After traveling about two miles we dispensed with their services as guides, but if we had been authorized to have held them in custody, we would have been saved the humiliation of having to surrender a portion of our captured booty; for I am sure that as soon as they left us they proceeded in great haste to notify illicit distillers and all sympathizers; for in less than three hours an armed force hailed us under protection or cover of trees by the roadside, and demanded a surrender of the ox team and barrel of corn whisky.

We saw they had sufficient force to overcome us in conflict, and we thought prudence the better part of valor, and therefore gave back to them the ox team and barrel of corn whisky, and proceeded uninterruptedly to Covington, where we arrived at about half past 11 o'clock a. m., 31st December.

Truly yours,

RADFORD C. RHODES,
Special Deputy Collector.

Col. E. C. WADE,
Collector Third District, Savannah, Ga.

UNITED STATES INTERNAL REVENUE,
COLLECTOR'S OFFICE, THIRD DISTRICT GEORGIA,
Savannah, January 30, 1879.

SIR: In Jasper County, in my district, the revenue laws have for years been persistently violated, and illicit distilling is openly carried on by a large number of the inhabitants. Organized and armed resistance is offered to United States officers, and such attempts as have heretofore been made to enforce the laws have been without avail. I have not sufficient force at my command, in my own district, to break up the illicit traffic in spiritous liquors which is notoriously carried on in that county, and would suggest that Andrew Clark, esq., collector of the second district, who has, I am informed, a force of armed officers, be authorized to send them into Jasper, accom-

panied by Special Deputy Blacker, who is familiar with the locality, for the purpose of suppressing this traffic.

Jasper County borders upon the second district, and this suggestion is made for the reason that I believe it is imperatively necessary that some steps should be taken to check and punish the notorious violations of law which for years have been perpetrated in that county with impunity.

Very respectfully,

EDWARD C. WADE, *Collector.*

Hon. GREEN B. RAUM,
Commissioner Internal Revenue, Washington, D. C.

UNITED STATES INTERNAL REVENUE,
COLLECTOR'S OFFICE, THIRD DISTRICT GEORGIA,
Savannah, May 2, 1879.

SIR: I have the honor to inclose herewith copy of report of my special deputies of operations against illicit distillers in Elbert County.

Very respectfully,

EDWARD C. WADE, *Collector.*

Hon. GREEN B. RAUM,
Commissioner Internal Revenue, Washington, D. C.

UNITED STATES INTERNAL REVENUE,
DEPUTY COLLECTOR'S OFFICE, THIRD DISTRICT GEORGIA,
Elberton, Ga., April 30, 1879.

SIR: We have the honor to transmit the following itemized statement of duties performed, to wit:

We have captured and destroyed in Elbert County ten illicit distilleries; we have captured and have in our possession 4 copper stills, 4 caps, and 5 worms; destroyed 27 gallons of illicitly distilled spirits, 8,900 gallons of beer and mash ready for distillation, and 121 beer stands.

We have now located, in what is known as Goshen District, Elbert County, eight illicit distilleries, but with our present force and arms we are unable to break them up. We have positive information of a force of illicit distillers, fifteen in number, banded together and armed to the teeth with shotguns, rifles, and pistols, standing guard around their distilleries whilst making whisky and defying the United States revenue officers. We do not deem it safe to attempt to disperse this mob and destroy their distilleries, unless we have more force and arms to compete with theirs.

The best and most prominent citizens of Elbert County are very anxious to have these illicit distilleries put down; they give us a great deal of encouragement privately, but dare not come out boldly and aid us; they are anxious that we should remain in the county until we have succeeded in breaking up all illicit distilleries.

If the internal-revenue officers were to leave the county without breaking up these distilleries and illicit traffic in whisky, the guilty parties would be encouraged to perpetuate their wrongs on the government and make them more defiant towards revenue officers, and would be discouraging to all good citizens of Elbert County who desire that illicit distilling and trafficking in whisky be suppressed.

We have the honor to be, very respectfully,

C. B. BLACKER, *Special Deputy Collector.*
JESSE WIMBERLY, *Special Deputy Collector.*
D. A. NEWSOM, *Special Deputy Collector.*
R. C. RHODES, *Special Deputy Collector.*
R. S. TAYLOR, *Special Employé.*

Hon. EDWARD C. WADE,
Collector Internal Revenue, Third District, Savannah, Ga.

UNITED STATES INTERNAL REVENUE,
COLLECTOR'S OFFICE, THIRD DISTRICT GEORGIA,
Savannah, May 3, 1879.

SIR: In reply to your letter of the 29th ultimo, requesting me to forward to your office a report of the number of persons killed and wounded in my district since July 1, 1876, while engaged in the work of suppressing illicit distillation, I have the honor to make the following statement:

1. William Brown was shot and badly wounded by illicit distillers in Tatnall

County in May, 1878, the weapon used being a double-barreled shot-gun loaded with buckshot, while he was serving as a guide for my officers in locating and breaking up distilleries. He was afterwards arrested by the State authorities, put on trial upon a trumped up charge of carrying concealed weapons, and was convicted and sent to the chain-gang in Jefferson County.

2. Thomas A. Scott was driven from Hancock County in May, 1878, for reporting illicit distillers of that county.

3. J. E. Cumming, of Milledgeville, Ga., was waylaid and shot April 28, 1878, for reporting to me that there was a barrel of peach brandy in the cellar of Samuel Evans from the illicit distillery of the Ennis brothers, of Baldwin County. Mr. Cumming was shot through the lungs, and though not killed was severely wounded. Mr. Cumming has been forced to leave his home and family on account of this affair, and has become, I may say, a wanderer without money or friends. It is certain death and ruin to the families of those who report or give information in relation to the location or operation of illicit distillers, and none now dare report or become witnesses voluntarily.

Very respectfully,

EDWARD C. WADE, *Collector.*

Hon. GREEN B. RAUM,
Commissioner Internal Revenue, Washington, D. C.

[Telegram.]

UNITED STATES INTERNAL REVENUE,
Savannah, Ga., October 13, 1879.

Hon. GREEN B. RAUM,
Commissioner Internal Revenue:

My special force report belligerent demonstrations by armed men at destruction of illicit distillery in Elbert County. They were obliged to return to Elberton for additional aid and arms. Revenue Agent Wagner will probably join them to-morrow.

E. C. WADE, *Collector.*

[Telegram.]

TREASURY DEPARTMENT,
OFFICE OF INTERNAL REVENUE,
Washington, October 14, 1879.

E. C. WADE,
Collector, Savannah, Ga.:

Employ sufficient force to overcome resistance to officers in your district. Enforce the laws at all hazards. I desire Wagner to remain with your force until all resistance is overcome and the offenders arrested. So inform him.

H. C. ROGERS,
Acting Commissioner.

UNITED STATES INTERNAL REVENUE,
COLLECTOR'S OFFICE, THIRD DISTRICT GEORGIA,
Savannah, November 3, 1879.

SIR: I have the honor to inclose herewith copy of letter of Deputy D. T. Dunn, stating that Samuel Rightmire, of Surrency, Appling County, in my district, who at my request a short time ago swore out a warrant against S. D. Surrency for selling liquor without having paid special tax, was assaulted by Surrency and a party of his friends and driven from his home in fear of his life.

Very respectfully,

EDWARD C. WADE, *Collector.*

Hon. GREEN B. RAUM,
Commissioner Internal Revenue, Washington, D. C.

UNITED STATES INTERNAL REVENUE,
DEPUTY COLLECTOR'S OFFICE, THIRD DISTRICT GEORGIA,
Brunswick, November 2, 1879.

SIR: On my arrival home I found Mr. Rightmire, of Surrency, who made out the affidavit as to S. D. Surrency's selling liquor, &c. He says his life was threatened and that Surrency fired a pistol at him twice and made threats against him unless he left. He thought best to leave, as he considered his life in danger. He will be on hand promptly at court. He will be at Saint Mary's all the time, and says have his subpœna sent there. If one is sent here to him in my care I will see that he gets it. It seems that Surrency is trying the intimidation game on the witnesses. Rightmire was run off by Surrency and five or six other parties, who he says came in a body with pistols drawn.

Respectfully,

D. T. DUNN,
Deputy Collector.

I suggest forwarding the subpœnas right away.

Col. E. C. WADE,
Collector Internal Revenue.

UNITED STATES INTERNAL REVENUE,
COLLECTOR'S OFFICE, THIRD DISTRICT GEORGIA,
Savannah, November 10, 1879.

SIR: I inclose copies of reports of Special Deputies Wimberly and Taylor, which, if correct, show that their statement of hostile demonstration towards them was not wholly unwarranted and without foundation.

Very respectfully, your obedient servant,

EDWARD C. WADE, *Collector.*

Hon. GREEN B. RAUM,
Commissioner Internal Revenue, Washington, D. C.

ELBERTON, GA., *October* 11, 1879.

SIR: After capturing the distillery mentioned in my telegram, five armed men came out in the road four or five hundred yards in front of us, and stood menacingly till we came in about one hundred yards, when they disappeared behind some old outhouses till we passed, when they began dogging our rear, watching our movements closely. Just about two hundred yards from where they were posted, a distillery, operated by Jeff Brown and Thomas Thurlkill, is located, which they were evidently guarding. We did not feel safe in attacking, or rather we did not feel it safe in attempting to take the still against such odds. We are informed by close neighbors that they will fight if but two or three revenue officers approach them at a time.

Very respectfully,

JESSE WIMBERLY,
Special Deputy Collector.

Col. E. C. WADE,
Collector Internal Revenue, Savannah, Ga.

UNITED STATES INTERNAL REVENUE,
COLLECTOR'S OFFICE, THIRD DISTRICT GEORGIA,
Savannah, December 8, 1879.

SIR: I have the honor to transmit herewith for your information copy of letter of Deputy Collector D. F. Luke, relative to the beating, by disguised men, of a witness in an illicit-distillery case.

Very respectfully,

EDWARD C. WADE, *Collector.*

Hon. GREEN B. RAUM,
Commissioner of Internal Revenue, Washington, D. C.

UNITED STATES INTERNAL REVENUE,
DEPUTY COLLECTOR'S OFFICE, THIRD DISTRICT GEORGIA,
Thomasville, December 6, 1879.

DEAR SIR: I have just received a letter from L. Smith, Wolf Creek P. O., Wilcox County, stating that one Allen Smith has been badly beaten by a disguised clan. This man Smith is one of the witnesses against Thomas Gibbs, of Wilcox County, charged with illicit distilling. You will remember the case I reckon. I wrote to Smith to come to Thomasville and sue out warrants for the guilty parties, provided the case was as stated to me in his letter.

Yours, very respectfully,

DANIEL F. LUKE,
Deputy Collector.

Col. EDWARD C. WADE,
Collector Internal Revenue, Savannah, Ga.

SECOND DISTRICT OF KENTUCKY.

Synopsis of correspondence.

1878.

Feb. 10. Letter from Revenue Agent Whitfield. Fight with "moonshiners" in Calloway County. Officers unable to make arrests in consequence of being outnumbered by armed distillers.

Mar 27. Letter from Collector Stuart. Further operations against illicit distillers in Calloway County. Firing on officers.

Oct. 3. Letter from Revenue Agent Whitfield. Account of a raid in Cumberland, Allen, and Monroe Counties. Repeated attacks upon the officers by armed distillers; one officer wounded. Officers followed by an armed band who threatened to release their prisoners. Bitter feeling in Allen County against officers.

Nov. 27. Letter from Deputy Collector Campbell. Gives state of affairs as regards illicit distilling in his division. Dangerous condition of affairs in Allen County, Kentucky. Open resistance to the laws. Threats against officers.

Dec. 3. Letter from Collector Stuart. Condition of his district as regards illicit distilling. Bad state of affairs in Allen County. Entire community in conspiracy against the internal revenue laws.

1879.

April 28. Letter from Collector Woodcock. States that Deputy Collector Ray, second district, Kentucky, has asked him for assistance to meet armed resistance in Allen County.

May 12. Letter from Deputy Collector Ray, reciting casualties occurring to United States officers in the second district of Kentucky, in discharge of their duty against illicit distillers. Several cases of attempted assassination of the same. Repeated instances of violent resistance to the laws.

May 14. Letter from Deputy Collector Campbell. Account of operations against illicit distillers by an armed posse. One of the posse, named William Pflang, shot through the head and killed by some of the distillers' clan.

May 27. Letter from Deputy Collector Campbell. Character of men engaged in illicit distilling. Encouraged by advice from local lawyers and politicians. Local newspapers hostile to revenue officers. Inadequacy of the punishments inflicted by the courts.

May 28. Letter from Collector Stuart, inclosing letter of Deputy Collector Campbell. Comments on vicious local public sentiment which serves as a cloak to evil doers.

June 28. Letter from Deputy Collector Campbell, giving instances of prosecutions of United States officers in State courts on trumped-up charges in revenge for acts committed in discharge of their duties. Outrage upon a deputy United States marshal by armed and masked men.

1880.

Jan. 12. Letter from Collector Stuart, giving condition of illicit distilling in his district. Allen County infested with law-breakers. Other counties also have illicit stills.

UNITED STATES INTERNAL REVENUE,
Owensborough, February 10, 1878.

SIR: I send herewith extract copied from Paducah News, relative to a fight with "moonshiners" in Calloway County.

"*The moonshine war in the West.*

"A gentleman from Calloway County, who owns the land on which the recent fight between Deputy Marshal Pickett's posse and the 'moonshiners' took place, passed through the city yesterday. He says there was much excitement in the neighborhood over the affair, and that on the following day the 'shiners took their stills and beat a hasty retreat across the line into Tennessee. Three of them were wounded in the melee—one of them in the head, it is supposed fatally, and the others in the arms. He adds, that it was well for the posse that it got out of the immediate neighborhood as soon as it did, for nearly forty men were on the ground after the affair took place. From his statements it would seem that the section where the 'stills' were operated is peopled by a lawless set of inhabitants who sympathize with the 'moonshiners,' and would make a hot fight to protect them. Another illicit distillery was in operation about a mile further on, which was also removed into Tennessee the next day after the skirmish. The men who owned and worked the 'stills' lived mainly on the Tennessee side of the line. His opinion is, that the raid succeeded in one thing, and that was the entire breaking up of the illicit whisky-making in Calloway."

I directed the raid to be made while at Paducah a short time since, and, from my information of the locality, judged that four men would be ample force to make the capture. It proved otherwise, however, and the posse was compelled to return without making any arrests.

Very respectfully,

S. A. WHITFIELD,
Revenue Agent.

HON. GREEN B. RAUM,
Commissioner Internal Revenue.

UNITED STATES INTERNAL REVENUE,
COLLECTOR'S OFFICE, SECOND DISTRICT KENTUCKY,
Owensborough, March 27, 1878.

SIR: Recently particular attention has been given to illicit distillation in Calloway County. Thomas J. Landram, John Wyatt, and three other men last week made a raid into Calloway County, capturing one still set up and one ready to be put in furnace, 13 tubs of beer, about 12 or 15 bushels of meal, and 18 empty tubs. No one being at the distillery, the deputy and party waited for some time for some one to come; while waiting, some one fired a shot at them, to which one of them (the deputy's posse) replied with a shot from his carbine, when the distiller's party fled.

The still, &c., was destroyed.

Respectfully,

W. A. STUART, *Collector.*

HON. GREEN B. RAUM,
Commissioner of Internal Revenue.

UNITED STATES INTERNAL REVENUE,
Louisville, Ky., October 3, 1878.

SIR: I have the honor to report that the posse engaged in raiding the counties of Cumberland, Monroe, and Allen, returned on the 28th ultimo. They went from Glasgow to Kittlo Creek, the place where Wyatt and Webster were shot last winter, and found that the still-houses had been abandoned and stills removed.

They destroyed a lot of tubs and other apparatus, and captured three prisoners, against whom warrants had been issued for illicit distilling. They then moved through Monroe into Allen County, striking Punshon Creek near the Tennessee line. Proceeding along this stream, they destroyed four very large illicit distilleries, one of them having a capacity of 300 gallons, and the others running from 125 to 200 gallons. They destroyed about 60 tubs of beer, a large quantity of singlings, and a barrel of whisky, together with a considerable amount of material to be used in distillation.

As they were destroying the second still reached, they were fired upon from a bluff near by, and after leaving were again attacked.

They went on to the third still-house, but before reaching it were again "bush-whacked." They pushed on as rapidly as possible and destroyed the stills. The fifth one visited was found to be deserted and the stills removed. On leaving this one they were fired upon by a party concealed near the road, and had one man slightly wounded, and one of the horses hit in the back.

The firing at this point grew so hot that the posse dismounted and returned the fire, with what result is not known. No more distilleries being certainly located, and having accomplished the purpose of the raid, they returned to Glasgow, bringing with them George Wilson, the head of the moonshiners in Allen County.

This county is one of the worst in the State, and it required 35 men to operate there last winter. The posse lately there consisted of 11 men, and they seem to have conducted themselves with credit. They were abused and insulted almost from the time they entered the county, and while they were cutting up a still a man came in and commenced the vilest abuse, ending with attempting to take a gun from one of the men. Captain Allen a member of the posse, to prevent his doing harm, threw him down and sat on him until the work was completed. He was the father of the young men said to be operating the still, and the loss of the property seemed to have rendered him almost frantic.

The feeling in this county is bitter in the extreme, and the people almost a unit in upholding the moonshiners and in rallying to their support whenever a raid is made. They will resist to the bitter end any attempt to destroy the stills. A general engagement and loss of life in the late raid was only prevented by the coolness of the posse, and their strict adherence to orders to take the stills at all hazards, but to forbear bringing on or engaging in any conflict after their work was accomplished.

They left the county in good order, and deliberately, although they were followed nearly to Glasgow by an armed band, who threatened the release of Wilson. After he was lodged in jail, and the posse disbanded, the deputy telegraphed to Marshal Crittenden for help to hold the prisoner.

The county of Cumberland, that last fall and winter was full of stills and dangerous of access, is now entirely free, and offered no opposition to the posse. This is equally true of Monroe, where there may be one or two stills, but I think not more.

Very respectfully,

S. A. WHITFIELD,
Revenue Agent.

Hon. GREEN B. RAUM,
Commissioner Internal Revenue.

UNITED STATES INTERNAL REVENUE,
COLLECTOR'S OFFICE, DISTRICT OF KENTUCKY,
Bowling Green, Ky., November 27, 1878.

SIR: In reply to your letter of the 20th instant I have this to say, that resistance to the enforcement of the internal-revenue laws is of frequent occurrence in this part of your district. In my division, composed of the counties of Christian, Todd, Logan, Simpson, Warren, Hart, and Edmonson, I have had but little difficulty since the reorganization of the division. Prior to that time I experienced much difficulty, particularly in the county of Allen, which lies alongside of the State of Tennessee. Internal-revenue officials are warned not to enter the county, under penalty of death, &c. A number of arrests have been made in this county within the past twelve months, notwithstanding the resistance offered; it appears impossible to enforce the laws in that county. At this writing, I understand there are a number of illicit distilleries in operation there. I have been warned time and again not to visit the county of Allen by those outlaws. On several occasions officers have been followed for miles by these outlaws for the purpose of rescuing prisoners, and in some instances fired upon by the mob. Parties engaged in violating the law openly assert that they intend to continue their business, and that a majority of the citizens give it their sanction. I am inclined to the opinion that there are a number of good citizens who do not approve of this course, but the few that are opposed to this outlawry are powerless to aid the officers of the law; so you will see that in order to put a stop to this outlawry the severest penalties of the law should be visited upon those who violate it.

Much time and money and some valuable lives have been spent in an attempt to bring to justice these men; the punishment has been so light that it has no terror for them. I have known of a number of them who, when arrested two or three times for the same offenses committed at different times, when asked why it was that they continue their business and run the risk of arrest, they simply replied that they do not mind being arrested, that the punishment is light and that they are well cared for while in prison. The officers have become discouraged; they risk their lives to make

these arrests, and in a very short time the parties are out again and at their mischief, and swear vengeance against the officer who made the arrest, and this incites others to offer resistance and induces others to engage in violations of the internal-revenue laws. I have very little hope of ridding the country of this class of men until some law is enacted that will punish offenders in such a way as that it will operate as a terror. Until a few years back no such thing as resistance was offered or thought of by these offenders, and to-day I attribute much of this trouble to the fact that offenders are too lightly dealt with.

I could write for hours on this subject and give facts and figures, but deem it unnecessary at present. The facts that you desire to know, I presume, are these: if there are any respectable number of our citizens engaged in open rebellion against the enforcement of the internal-revenue laws. I am bound to say that it is true, and, to use an expression of one of our old revenue officers, I find it very difficult to recommend an "unpopular law to an unwilling people."

Very respectfully,

T. W. CAMPBELL,
Deputy Collector, Second Division, Second District Kentucky.

Hon. W. A. STUART,
Collector Internal Revenue, Owensborough Ky.

UNITED STATES INTERNAL REVENUE,
COLLECTOR'S OFFICE, SECOND DISTRICT KENTUCKY,
Owensborough, December 3, 1878.

SIR: Concerning the matter of suppressing illicit distillation in this district, I inclose herewith a copy of a letter from Col. T. W. Campbell, deputy, giving an account of affairs in Allen County in this district. That there is a perfectly organized conspiracy in said county to resist revenue officers in enforcing the law there is not the least doubt, and equally little that a large majority of the people are in sympathy with the outlaws in their schemes of forcible resistance to the laws. I invite your especial attention to the statement of Collector Campbell, that there is a majority of citizens (in numbers of persons and influence) who are in sympathy with this species of rebellion against the internal-revenue laws.

I am also in receipt of a letter from Deputy Collector James A. Ray, in whose division Allen County now is since the reorganization of the district, in which he reports that a trip made into Allen County by a person whom he had employed as a detective to exactly locate illicit distilleries in said county had proved a *failure*, and had developed the fact, of which we were apprised, "that the entire community is a body of conspirators against the revenue law, determined to resist all efforts made to suppress them." He was watched on all sides, night and day. Mr. Ray says that he has, through other means, located six illicit distilleries in Allen, which can be seized if he can get men enough to back him.

Respectfully,

W. A. STUART, *Collector.*

Hon. GREEN B. RAUM,
Commissioner of Internal Revenue, Washington, D. C.

UNITED STATES INTERNAL REVENUE,
DEPUTY COLLECTOR'S OFFICE, SECOND DISTRICT KENTUCKY,
Burksville, May 12, 1879.

DEAR SIR: On or about the 6th of December, 1877, I, in the company of Capt. I. B. Webster, deputy marshal, Frank Webster, and Edgar Wyatt, special bailiffs, and a guide, attempted to seize an illicit distillery in Cumberland County; but, on approaching it, we were fired on from within and from the top of the hill on either side. Ed. Wyatt received sixteen shot in his face, completely destroying his right eye, and young Webster was shot with a squirrel-rifle, the ball having split the scalp of his head about two inches. Neither shots proved fatal.

In November, 1877, I was attacked by two armed illicit distillers at the house of Louisa Shirley, a registered distiller in Monroe County, Kentucky, but escaped unhurt by making a retreat.

In October, 1878, I was attacked in the streets of Burksville, which is my home, by an illicit distiller, and only escaped assassination by making use of a pistol.

About June, 1878, J. S. Bernard, a special bailiff of Russell County, was assaulted by an illicit distiller, who attempted to kill Bernard for acting in such capacity, but was himself killed.

In September, 1878, I took a posse in Allen County to seize some illicit distilleries, and we were fired on continuously from daylight till 11 o'clock a. m. Mr. Green B. Adams, one of the posse, and his horse were slightly wounded.

In October, 1878, Capt. James L. Strange, United States gauger second district, while attending at the registered distillery of Watson & Johnson in Cumberland County, Kentucky, was assaulted by four sympathizers of the illicit distillers, who attempted to run him into Burksville, one of the party bursting a cap from a gun only a few yards from Strange.

In May, 1879, an illicit distiller attempted to shoot Capt. Sam. Allen, who was acting as official deputy in Allen County, but the gun failed to fire.

Yours, truly,

JAMES A. RAY,
Deputy Collector.

Hon. W. A. STUART.

UNITED STATES INTERNAL REVENUE,
DEPUTY COLLECTOR'S OFFICE, SECOND DISTRICT KENTUCKY,
Bowling Green, Ky., May 14, 1879.

SIR: In company with twelve men furnished me by the collector I made a raid into the county of Hart, for the purpose, if possible, of capturing an illicit distillery operated by Hiram Shoat and Harrison Ramsey, two very desperate characters. I left Bowling Green on the 1st, and on the morning of the 3d of January, 1879, about daylight, we came upon said distillery. We found the distillery in full blast; the owners had made their escape a few moments before we arrived. Not having time to remove anything, we went to work to destroy the still, &c. We found in the distillery one copper still with a capacity of about one hundred gallons. We destroyed all the beer and mash on hand, sent the still to railroad and from thence to Bowling Green. The weather being extremely cold, it was thought best that we should return to Bowling Green; this we did, via Munfordsville, remaining over night at that place. Next morning took up our line of march, and when some ten miles south of Munfordsville, near Horse Cave, William Pflang, one of our posse, fell from his horse, shot through the back of his head. He lived some six hours. At the time of the shooting, it was thought, perhaps, the shot was an accident done by one of the posse who was riding near to Pflang at the time; but from recent developments I have become satisfied that Pflang was shot from the bushes by some one secreted near the road. From the point where Pflang was shot to the distillery of Shoat and Ramsey it cannot be exceeding eight miles. Shoat and Ramsey had said on divers occasions if we came after them or their still that some of us would be left in the field. Their threats, coupled with other developments since the killing of Pflang, lead me to believe that the shooting was done by some of the Shoat and Ramsey clan.

Very respectfully,

T. W. CAMPBELL,
Deputy Collector.

Hon. W. A. STUART,
Collector Internal Revenue, Owensborough, Ky.

UNITED STATES INTERNAL REVENUE,
DEPUTY COLLECTOR'S OFFICE, SECOND DISTRICT KENTUCKY,
Bowling Green, Ky., May 27, 1879.

SIR: In my letter of recent date, in answer to yours of the 5th inclosing letter of the honorable Commissioner, I proposed to answer some of the questions propounded by you. I did not attempt to account for the resistance offered by illicit distillers, or rather did not give my idea as to what prompts the illicit distillers to offer resistance, &c. In the first place, all men engaged in this business (and I must say that I have never found a single exception to the rule) are men without characters, have all to gain and nothing to lose, generally very ignorant upon all subjects except illicit distilling. In this they seem proficient. But to the point: You will find in every town and neighborhood some one man who is fond of whisky. This lucky man is sometimes found to be a lawyer and polititian. This would-be lawyer and politician keeps himself posted up with the times, reads the speeches made in Congress upon the subject of taxation, &c. His "moonshine" friends call to see him about once or twice a month and he is advised that the law has been repealed and all men can go on now and make whisky. For this advice a jug of moonshine is left. The United States officer finds that a distillery is in operation. He immediately sets out to find it. He is informed that resistance will be offered if an attempt is made to arrest the offender; that it is

generally understood in the neighborhood that the tax has been removed, and this is one of the reasons; another and perhaps stronger reason is, that the local newspapers are constantly pitching into revenue officers. This encourages the illicit distiller. I have never yet, in all my experience, been able to find a citizen residing within five miles of one of these illicit distilleries who would furnish me with any information whatever. A reign of terror exists in all localities where illicit distilling is carried on. The very moment that it is ascertained that a citizen has given any information he is ordered to leave.

One of the principal reasons for commencing and continuing this business is the light penalty inflicted upon those who violate the law. I have been fully satisfied for several years that the whole process of arresting and conviction is a farce. I know that illicit distilling can be suppressed if the proper appliances are made.

Money enough has already been expended to have rid the country of such offenders, if it had been properly directed. The illicit distillers laugh at the penalty inflicted upon them when detected and arrested. I have a letter in my possession now, written by a man recently convicted of illicit distilling. His punishment was fixed at 30 or 60 days in the county jail and $100 fine. The fine, of course, none of them expect to pay, and there is no provision to make them pay. Now, this man informs me that while in prison at Louisville he was informed by quite a number convicted of the same offense, that as soon as they were discharged from prison they intended to go to work again.

Now, all this being true, how is it possible for a deputy collector or any other man to suppress this business? I trust that you will present this matter to those in authority, present it in its true light, and when presented in this way I think surely some means will be adopted that will more effectually suppress illicit distilling and traffic.

Very respectfully,

T. W. CAMPBELL,
Deputy Collector.

Hon. W. A. STUART,
Collector Internal Revenue, Owensborough, Ky.

UNITED STATES INTERNAL REVENUE,
COLLECTOR'S OFFICE, SECOND DISTRICT KENTUCKY,
Owensborough, May 28, 1879.

SIR: I inclose herewith a letter just received from my deputy collector, T. W. Campbell, in relation to the cause of illicit distillation in Kentucky. Having for several years past served as revenue officer in one of the *very worst* infested regions of the State, his opportunities for ascertaining causes, and devising means for suppression, have been very fine. I concur with him fully that illicit distilling could and would long ago have been effectually suppressed but for a vicious local public sentiment, which he fully describes.

The persistent and willful misrepresentations which serve as a cloak to evil doers and also to prevent the exercise of what too many are pleased to regard as alien jurisdiction, especially in localities where ignorance predominates, I am sure have not been overdrawn.

To encourage, by sympathy, illicit distilling is both to pander to the tastes of an ignorant, vicious class, and, at the same time, please a powerful class by resistance and defiance to Federal laws and Federal authority.

Collector Campbell's experience is the experience of every revenue officer similarly situated in Kentucky. The failure to apply the remedy, on the part of the courts, is known, perhaps, to your office as well as to the local officers in Kentucky.

I deem it proper that these causes should be known to you, in order that you may properly appreciate the up-hill task of those engaged in this hazardous work.

Very respectfully,

W. A. STUART, *Collector.*

Hon. GREEN B. RAUM,
Commissioner of Internal Revenue, Washington, D. C.

UNITED STATES INTERNAL REVENUE,
DEPUTY COLLECTOR'S OFFICE, SECOND DISTRICT KENTUCKY,
June 28, 1879.

SIR: In reply to your letter asking information as to the number of prosecutions instituted by individuals and the commonwealth against internal revenue officers for acts committed by such officers and posse men while engaged in enforcing the revenue

laws, I will say that the first case that I remember is that of F. B. Harris, of Allen County. He was indicted by the grand jury of Allen County for carrying concealed weapons while acting as special bailiff for W. M. Adair, deputy marshal. Harris was arrested, gave bond for his appearance, and immediately left the county and has not yet returned. His sureties paid the forfeiture. Threats were made that if he returned he would certainly be lynched. This occurred within the past three years. The exact date of the indictment I am unable to give, as I have not the records before me. Prior to this indictment, Harris had been taken from his bed at his own house at night by armed, masked men, and required to surrender all the processes that had been placed in his hands by Adair to be executed by him (Harris), at the same time notified that if he ever attempted to execute another process from the United States court that his life should pay the forfeit.

The next case that I remember was McKinnis and Hutchinson against myself. The facts in this case are about as follows:

In the fall of 1877, while I was acting as deputy collector for O. P. Johnson, collector, information came to me that certain persons were selling whisky in Logan County, Kentucky, from wagons. I immediately left for the purpose of arresting the parties; after traveling some twenty miles I came upon four men engaged in selling whisky from a wagon, viz, Bronson, Dellehay, Hutchinson, and McKinnis, arrested the party and took them to Louisville before United States commissioner, and they were held over and required to execute bond for their appearance at the next term of the United States court. All failing to execute bond were remanded to jail. Court came on, the cases were called, the district attorney, Col. G. C. Wharton, after examining into the several cases, decided to enter *nolle pros.* in the case of McKinnis and Hutchinson, and they were discharged. On their arrival at Franklin, their home, they immediately consulted Hon. C. W. Millikin, ex-Congressman from the third Congressional district, who advised them to bring suit against them for false arrest. Proceedings were immediately instituted in the Simpson circuit court, claiming damages, in one case $5,000, in the other $2,500. After being annoyed for some time, I succeeded in getting the cases transferred to the United States court at Louisville, before Hon. Bland Ballard, judge United States district court. Upon the call of the cases, no one appearing to prosecute, they were dismissed.

The next case that I remember was the Commonwealth of Kentucky against F. M. Ramsey, charged with murder. The facts in this case are as follows:

F. M. Ramsey, in the year 1878, in the fall, undertook to serve some process in the county of Allen, as special bailiff for W. U. Grider, deputy marshal. Among the warrants placed in his hands by Grider was one against one Joseph Lightfoot. Lightfoot had heard that Ramsay had a warrant for him, and said if Ramsey attempted to execute the warrant he would kill him. Ramsey heard that he had made this threat. Ramsey finally concluded to make the attempt, and in company with John W. Worley went to the place where Lightfoot was engaged at work. Upon arriving at the place they found Lightfoot. Ramsey informed him that he had a warrant for his arrest. No sooner did he give the information than Lightfoot attempted to make good his threats. But Ramsey, being on the lookout and ready, drew and fired first, and from the wound inflicted by Ramsey Lightfoot died. Ramsay was at once arrested by Deputy Marshal W. U. Grider, under a warrant issued by United States Commissioner James H. Rose, taken to Louisville for trial, before his honor Judge Ballard, and released. Subsequently Ramsey was indicted by the grand jury of the Warren circuit court for the shooting of Lightfoot, a warrant issued, and Ramsey arrested, in the city of Louisville, by the sheriff of Jefferson County. Ramsey applied for and obtained a writ of habeas corpus, and was taken before his honor Judge Ballard and again released. At the next term of the Warren circuit court Ramsey was indicted for carrying concealed deadly weapons. Upon this indictment a warrant was issued for his arrest, and placed in the hands of the sheriff of Jefferson County, who made the arrest, and returned Ramsey to the jailor of Warren County. At the time of this last arrest the court of common pleas was in session, and the court, having concurrent jurisdiction with the circuit court, took charge of the case and proceeded to investigate the case, Hon. W. L. Dulany being the judge of the common pleas court. It will be borne in mind that Ramsey was before his honor Judge Dulaney on the charge of carrying concealed deadly weapons. The case came in for trial, and the commonwealth not being ready, the case was continued, and Ramsey required to execute bond or go to prison. The bond was at once executed and he permitted to go free until the next term of the court, but before he, Ramsey, could get out of the courtroom he was again arrested upon the old indictment for murder. Ramsey at once applied to his honor Judge Ballard ior a writ of habeas corpus, which was granted, and he again taken before his honor Judge Ballard, and released. At the next term of the court Ramsey will appear to answer the charge of carrying concealed weapons, and I suppose the same farce will be enacted as at the last term.

The next case that came under my notice was the Commonwealth against John W. Worby, indicted for carrying concealed weapons. It will be borne in mind that Worby

was the man who was summoned by Ramsey to assist in the arrest of Lightfoot. This case is still pending and will be called at the July term, 1879. Under our present statute regarding the carrying of concealed weapons, it is intended all men shall be upon equal footing, but, by operation of public sentiment, the bully and desperado have decidedly the advantage of the officers of the law and the law-abiding citizen.

I believe that I have given you about all the prosecutions that have been instituted in this division within the past three years.

Very respectfully,

T. W. CAMPBELL,
Deputy Collector.

Hon. W. A. STUART,
Collector Internal Revenue, Owensborough, Ky.

UNITED STATES INTERNAL REVENUE,
COLLECTOR'S OFFICE, SECOND DISTRICT KENTUCKY,
Owensborough, January 12, 1880.

SIR: I reply to your letter of the 7th instant, that, so far as I at present am advised, illicit distilling is being carried on in the counties of Allen, Hart, Edmonson, Christian, Calloway, and (probably) Monroe, of this district. Into all of these counties the deputy collectors in charge of them have been instructed to take raiding parties, but as yet have not been heard from as to the result of their efforts.

In all but Allen County the class of people who manifest a disposition to violate the law seems to be composed of a *few* living in the more broken sections of the country, who are seized with a periodical desire to defraud the revenue. Allen County is apparently cursed with a population of law-breakers, and notwithstanding the numerous stills destroyed and the many arrests made in that county there appears to be as great a determination as ever to disregard the authority of the government

In some instances I am satisfied that entire communities are in sympathy with the illicit distillers, and I do not believe that the offender lacks for aid in any locality where this practice is carried on.

Since Deputy Collector Ray was fired upon by illicit distillers in Barren County some time ago (all the particulars of the killing, &c., were given you at the time), there has been no serious effort to resist government officers, but as to how long this may be expected to continue, it is impossible of course to determine.

Respectfully,

W. A. STUART, *Collector.*

Hon. GREEN B. RAUM,
Commissioner, Washington, D. C.

FIFTH DISTRICT OF KENTUCKY.

Synopsis of correspondence.

1877.

Dec. 18. Letter from Commissioner of Internal Revenue to Collector Buckner, urging continued and persistent efforts to break up illicit distilling. Well armed men in sufficient force to intimidate violators of the law and prevent blood-shed should be sent out.

1878.

June 6. Letter from S. A. Whitfield, revenue agent. Account of arrest of illicit distillers in Hardin County. Attempt to rescue the prisoners by their friends. Burning of the house of the guide and destruction of his property; he is unable to return home in safety.

Aug. 26. Letter from Commissioner of Internal Revenue to Collector Buckner. Calls attention to the importance of taking immediate measures to prevent the resumption of illicit distilling in his district. Amnesty recently extended not to be regarded as evidence of intention on the part of the government to relax efforts against law-breakers.

Sept. 17. Letter from Revenue Agent Whitfield. Reports operations in La Rue County against illicit distilleries. Officers outnumbered by armed band of illicit distillers and compelled to retreat. Deputy Marshal Wyatt severely wounded.

Sept. 19. Telegram from Commissioner of Internal Revenue to Collector Buckner. Capture the persons engaged in resisting officers in La Rue County at all hazards, and seize the still.

1879.
Jan. 22. Letter from Collector Buckner. Capture of the distillery in La Rue County, where resistance had been made and arrest of a portion of the men who repulsed and wounded the officers on a former occasion.
Feb. 20. Letter from Collector Buckner. Seizure of an illicit still in Marion County. While deposited at the railroad station for shipment a squad of 25 or 30 armed men went to the station and took it away from the custodian.

1880.
Jan. 17. Letter from Collector Buckner. Condition of affairs in his district as regards illicit distilling. Recent operations against illicit distillers.

TREASURY DEPARTMENT,
OFFICE OF INTERNAL REVENUE,
Washington, December 18, 1877.

SIR: Your letter of the 14th instant, in regard to your operations against illicit distillers and forwarding a statement from the clerk of the district court in regard to the condition of certain cases, has been duly received and considered. I am glad to learn that you are getting the upper hand of the illicit distillers of your district. I trust you will not relax your efforts so that they can organize again, but that you will continually police your district so as to prevent frauds of that description. The forcible resistance which deputy collectors and deputy marshals meet with should be overcome by sending out men well armed in sufficient force to intimidate the violators of law and prevent bloodshed. It is a matter of extreme regret to know that any of our officers are killed or wounded in the execution of their duty. The course I have pursued in regard to deputy collectors wounded in the performance of their duties is to continue their pay during the time they are off duty suffering from said wounds, and I desire that you shall observe that rule in all cases in your district.

Very respectfully,

GREEN B. RAUM,
Commissioner.

JAS. F. BUCKNER, Esq.,
Collector, Louisville, Ky.

UNITED STATES INTERNAL REVENUE,
Louisville, June 6, 1878

SIR: About two weeks after this interview a Mr. ——— came to me and said that he knew the location of three illicit distilleries in Hardin County, and asking what reward I could give for their destruction and the arrest of the parties operating them. I informed him that I could not give any stated reward, but that I would ask Collector Buckner to employ him as a member of a posse, and in that capacity he could act as guide, and be paid for his services out of an appropriation made Collector Buckner for the purpose of breaking up illicit distillation in his district.

A raid was accordingly organized on the distilleries in question, and resulted in the destruction of two of them, and the capture of three prisoners, viz, Henry Carr, Jack Cleaverance, and Harrison Sheldon. The friends of the prisoners organized and pursued the revenue officers and marshal, but failed to overtake them; disappointed in their attempt to rescue the prisoners, they returned and burned the house of Mr. ———, together with a quantity of logs which he had piled near by. Warrants were immediately issued for such of the offenders as were known, and the posse, again guided by Mr. ———, returned and effected the arrest of three persons, two of whom were held in $1,000 bail, and the third released. Mr. ——— states that after finding he could not secure a large reward he determined to give me the information and aid necessary in order to rid the neighborhood of an intolerable nuisance, and afford protection to the law-abiding citizens who were being robbed by the gang of fellows that hung around the distilleries. Mr. ——— is now living in this city, it being impossible for him to return in safety to Hardin County, where he owns about 50 acres of very poor land on which his house formerly stood.

The law has been vindicated by the arrest of the offenders, but Mr. ——— has sustained a severe loss for so poor a man, and is now in extremely straitened circumstances.

The value of the property destroyed does not exceed $300, but it falls heavily upon Mr. ———, who has not the means with which to rebuild, even were it prudent for

him to return to his home. He seems to be an honest man, of good character and habits, and in his work with the government officers has displayed more than ordinary courage and firmness.

Very respectfully,

S. A. WHITFIELD,
Revenue Agent.

HON. GREEN B. RAUM,
Commissioner Internal Revenue.

TREASURY DEPARTMENT,
OFFICE OF INTERNAL REVENUE,
August 26, 1878.

SIR: As the season approaches when illicit distillers have heretofore generally commenced active operations, I wish to call your attention to the importance of taking immediate measures to prevent the resumption of illicit distillation in your district. I wish you, if possible, to dissuade those who have in former years carried on this unlawful business from again engaging in it. It is my intention to enforce the laws in this respect at all hazards; and if the people in your district persist in violating the law, they may be assured that nothing will be left undone to discover them and bring them to punishment. You can also assure this class of persons that the clemency recently extended to illicit distillers in some sections of the country must not be regarded as evidence of intention on the part of the government to relax its efforts hereafter to secure the arrest and punishment of all violators of the internal-revenue laws. I have at my command means sufficient to enable me to organize a force strong enough to thoroughly police all the districts heretofore infested with illicit distillers, and I desire you to inform me what additional aid, if any, you will require to suppress this traffic in your district. I will strengthen you in every manner possible, and shall expect and require of you and your subordinates prompt and vigorous action.

Give your immediate attention to this branch of the service, and take such measures as will convince offenders that if they continue their former practices they cannot expect to avoid discovery, arrest, and punishment; and after the warning already given they need not indulge the hope of immunity for their offenses.

Please advise me at an early day what steps you have taken in this direction and what increased force, if any, you need to entirely break up illicit distillation in every part of your district.

Respectfully,

GREEN B. RAUM,
Commissioner.

JAS. F. BUCKNER, Esq.,
Collector Internal Revenue, Louisville, Ky.

UNITED STATES INTERNAL REVENUE,
Louisville, September 17, 1878.

SIR: Mr. Holloway, whom I sent to Jackson County, eighth district, to capture two illicit distilleries, reports his success in securing both, and in assisting the marshal to arrest three of the parties operating them.

The posse sent into La Rue County were not as successful, owing to the guide losing his way. He wandered about during the night without finding anything, and in the morning two of the men, one an acting deputy marshal, separated from the others and soon came upon the still. The "moonshiners" soon discovered and attacked them. In the course of the shooting John Wyatt was severely wounded in the side, but with his companion made his escape, and after a while rejoined the balance of the posse. The party making the attack numbered eleven men, and immediately afterward horns commenced blowing and persons were seen gathering in from the surrounding country. As our party originally numbered but eight men, and one of them was now badly wounded and needing immediate attention, it was deemed best by Mr. Hetherington to return to Elizabethtown.

Had the posse reached the still-house promptly there would have been no trouble in taking it, but the delay caused by losing the way was fatal to success.

I could not reinforce the posse promptly, as a part of my carbines were in the hands of Colonel Holloway's posse in Jackson County, and I accordingly directed their return. The following message has this moment come in from Hart County:

"S. A. WHITFIELD,
"*Revenue Agent, Louisville, Ky.:*

"Guide returned; located five distilleries; send 12 carbines and as many revenue officers as you can by next train to Glasgow. Answer here.

"ADAIR & GRIDER."

As soon as this last call is attended to I will arrange with Collector Buckner for another raid in La Rue, sending all the carbines I have with an increased force.

Please make appropriation to Collector Buckner sufficient to carry on campaign in his district for next 60 or 90 days.

Very respectfully,

S. A. WHITFIELD,
Revenue Agent.

Hon. GREEN B. RAUM,
Commissioner Internal Revenue.

[Telegram.]

TREASURY DEPARTMENT,
OFFICE OF INTERNAL REVENUE,
September 19, 1878.

J. F. BUCKNER,
Collector, Louisville, Ky.:

Take prompt and vigorous measures to seize the still in La Rue County, where officers were attacked and driven away. See that the offenders, especially those who have resisted officers, are captured, and enforce the laws in that county at all hazards.

If allowance already made you is not sufficient, advise this office.

H. C. ROGERS,
Acting Commissioner.

UNITED STATES INTERNAL REVENUE,
COLLECTOR'S OFFICE, FIFTH DISTRICT KENTUCKY,
Louisville, January 22, 1879.

SIR: I respectfully report that I have lately made quite a successful raid upon illicit distillers in this district. It was against the distilleries run by the Johnsons and Ferrels, in La Rue County, the same fellows who resisted the officers September 15 last, and shot John Wyatt, and drove Mr. Whitfield's posse, in charge of Mr. Hetherington, out of that neighborhood. I determined to take the matter in my own hands under a man of my own selection. I have only been waiting the return of the guns sent to Mr. Whitfield, who had them in the hands of parties operating in second district. In the mean time I have had Mr. ——— scouting through the district getting information as to locations and the names of parties, &c. He set out from here on the 13th, and he having communicated with me facts upon which I relied, on the 17th I placed warrants in the hands of Deputy Marshal William Adair and furnished him with guides.

They left Elizabethtown on Saturday last, 18th, well armed with carbines, Adair having warrants. At midnight on Saturday night they rushed into the distillery in charge of Mace Howell, Joseph Johnson, James Johnson, and Green Ferrell, and captured the whole of them. They were all armed with rifles, pistols, and shot-guns, but they saw they were overpowered and at once surrendered and were disarmed. This distillery is a large log-house, located in a deep hollow in the woods on a small spring branch which runs into Otter Creek and on the south side of Muldrough's Hill. Two stills were in operation, one of 160 and the other 65 gallons capacity; 31 tubs, 23 contained beer and 8 mash, 1 tub singlings, 1 barrel whisky, numerous empty kegs, buckets. It is an old house 12 miles from Hodgenville, near the line between the counties of La Rue and Green. The stills, tubs, &c., were destroyed. The casks to the two stills were brought to this office.

Placing these four prisoners under guard, Adair, the deputy marshal, with ———, went to the house of John Johnson, where they captured him and his son Jerry, and also to the house of James Ferrell and captured him. The three last-named were in bed, and were in custody before they were fairly awake. They did not anticipate a visit on that intensely cold night, with the snow a foot deep. At Ferrell's they found a barrel of new whisky with no stamps on it, doubtless made at this same distillery.

The entire seven men, four Johnsons, two Ferrells, and Mace Howell, esq., a justice of the peace of La Rue County, were safely brought to the city on Monday evening the 20th instant, and lodged in jail, and on yesterday were arraigned before the com-

missioners (except John Johnson and Joseph Johnson, who was arrested on a capias upon an indictment), and proof being clear, were held to answer.

The whole seven are now in jail here. They are a part of the same lot who in September last run Hetherington and his men out of that county after having shot John Wyatt. They have since been bold and defiant, but the descent upon them was sudden, bold, and well planned, and should reflect great credit on Marshal Adair and my men. Its success was greatly owing to the very inclement weather and the secrecy and the rapidity of the movement. They had not time to gather their clans, and it was too cold to keep them together. The man Howell is a member of the La Rue County court, and a bold, daring fellow. His influence for evil is great in that neighborhood. I am informed also that he is a member of the Baptist Church and preaches occasionally. He is a very bad man and an unprincipled liar. He is said to do all the headwork, and although he lives within three-quarters of a mile and has lived there for twenty years, yet denied knowing anything about it, and had never been there before the night on which he was captured in it. All of them accounted for being there armed by stating they had been out hunting.

Respectfully,

J. F. BUCKNER, *Collector.*

Hon. GREEN B. RAUM,
Commissioner, Washington, D. C.

UNITED STATES INTERNAL REVENUE,
COLLECTOR'S OFFICE, FIFTH DISTRICT KENTUCKY,
Louisville, February 20, 1879.

SIR: I respectfully report that since my last, dated 14th, that I learned from information given me that there was a distillery (illicit) in operation on the farm of Mrs. Elizabeth Mattingly in Marion County, run by her son Bart. Mattingly, James Alvey, and Cohert Smith. I procured warrants on the 15th and placed them in the hands of Deputy Marshal Adair, who found the distillery in operation in charge of a negro boy, Moses Lee. The white men could not be found. There were 5 tubs beer, 4 empty, 1 tub singlings. The tubs and machinery were destroyed. The still of 110 gallons capacity and the copper worm were apparently new or but little worn and in good order, which was taken to Chicago station and placed in the station-house to be shipped to me at this office. The parties running the distillery, Mattingly, Alvey & Smith, evading arrest. The marshal had in his hands writs for the arrest of Thomas Cozine and Joel Redmond, and left to hunt for them. He found them and brought them to this city. He brought to me the cock of the still captured at Mattingly's.

On the night of the same day the still and worm were deposited at the railroad station for shipment to Louisville. A squad of men, supposed to be 25 or 30 in number, about midnight went armed to the station, took forcible possession of the still, worm, &c., and carried it off. The young man who had charge of it had no means of resistance. He thinks he identified Mattingly, Alvey, and Smith. They were very violent, threatening the marshal.

The marshal left soon after the still was left at the station. It is a fact that Collector Smith, one of the parties, is already under bond for a similar previous offense. I had hoped, as stated in previous letters, that I had gotten through with the worst of these rascals. But I have reliable information that there are still a number of stills in operation lately started.

Respectfully,

J. F. BUCKNER *Collector.*

Hon. GREEN B. RAUM,
Commissioner, Washington, D. C.

UNITED STATES INTERNAL REVENUE,
COLLECTOR'S OFFICE, FIFTH DISTRICT KENTUCKY,
Louisville, January 17, 1880.

SIR: I received yours of 7th instant, requesting to be informed of the present condition of this district in regard to illicit distillation, &c. At the time your letter came to hand, 16th instant, I had my trusted spy, ———, out in the district, trying to ferret out and locate distilleries and parties which were reported through my deputies, P. W. Pennebaker and D. H. Howard and others, to exist in certain localities in the district. I will report *seriatim* what I have done to ascertain the present condition of affairs, and what I have done and am now doing to suppress illicit distilling.

Commencing 1st January, 1880, acting on information previously obtained, January 3, Saturday night, Peter W. Pennebaker, deputy collector third division, captured one illicit distiller, William B. Philips, and destroyed his distillery. This was done by Deputy Pennebaker in charge of a posse of storekeepers and gaugers, without warrant, all of which was reported to you by letter of 7th instant and on form 161.

January 10 (Saturday night) Mr. Pennebaker with the same squad of revenue officers captured another illicit distillery in Nelson County, Kentucky, just set up and destroyed it, but they were unable to arrest the owner, or to certainly ascertain who he was; and people in that vicinity would give no information as to the parties operating said distillery. This case was reported to you on form 161, on 15th instant.

January 8, Daniel H. Howard, deputy collector fifth division, while traversing his division ascertained that a distillery had been set up and was being operated by one Riggs in Green County, started Capt. Edward Hilpp, gauger, George A. Noe, storekeeper, and ——— as guide. Mr. Heatherington, assistant revenue officer, reached Lebanon as Captain Hilpp and party were about starting and went with them. They found the distillery and destroyed it. It was located on Haskin's Creek 15 miles from Lebanon, in Marion County, Kentucky. So soon as form 161 is received from Deputy Howard, it will be forwarded.

On 12th instant, our special detective or spy, ———, returned, after being out four days, and upon his information I procured warrants and placed them in the hands of Penn Morris, deputy marshal, and against James Howell, William Hodges, John Risen, John Swinney, and John Sanders and others, charged with illicit distilling, parties who were open and defiant; well armed, very bad men; Howell, Swinney, and Saunders old offenders. The last two having been heretofore convicted and punished; and Howell last winter armed, defending his distillery and now under bond. The posse under Morris, composed of Clark, Ramsey, John Wyatt, James Heatherington, ———, and others as guides, found a new distillery operated by James Howell and William Hodges, in La Rue County, and arrested them and destroyed the distillery.

A few miles further in Green County, same night, they found the distillery of John Rison and arrested him in it. The distillery &c. was destroyed. Also next morning, 15th, they found a distillery operated by John Sanders, John Swinney, Asa Cantrel, and John Moses in Green County, and although those fellows had pickets out, and had an armed force on duty, they all fled and dodged our posse, and successfully evaded arrest. They destroyed the distillery, tubs, &c., scouted the neighborhood thoroughly; they could not be found.

Mr. Morris, the deputy marshal, brought his prisoners to the city last night; lodged Howell in jail, he being arrested on capias, for the old offense; and Hodges and Risen held to bail in bonds of $500, and just this moment lodged in jail here, they failing to give bond.

Deputy Collector Howard has just reached this office with information that there are other illicit distilleries in Taylor, Green, and Adair Counties. I will attend to them in a day or two.

From the most diligent inquiry made heretofore and since the receipt of your letter, I do not believe that there are any illicit distilleries in either of the counties of Henry or Owen.

The operations of these fellows are principally in the counties of Green, Taylor, Adair, and La Rue. I think I have gotten lately the last one in Washington and Nelson and perhaps La Rue. They spring up like mushrooms after a warm rain, and I fear the business will never be exterminated in the Muldrough Hill regions running through La Rue, Green, Taylor, and Adair Counties.

If public sentiment is not in favor of this lawlessness, the best people take no open steps against them; communicate with me under assurance of secrecy and give no active aid. They seem to think it exclusively the business of revenue officials. My deputies are vigilant and efficient. I will keep up the fire on these fellows as fast as they show their heads.

Respectfully,

J. F. BUCKNER, *Collector.*

Hon. GREEN B. RAUM,
Commissioner Internal Revenue.

EIGHTH DISTRICT OF KENTUCKY.

Synopsis of correspondence.

1877.
Oct. 29. Letter from Commissioner of Internal Revenue to Collector Landram, calling attention to a reported state of lawlessness in the several collection districts of Kentucky. Summary punishment should be inflicted on persons who attempt to intimidate officers and well-disposed citizens. Law-abiding persons must be protected. Urges vigorous and prompt action in the premises.
Dec. 24. Letter from Commissioner of Internal Revenue to Collector Landram. Instructions relative to an aggressive warfare to be waged against all law-breakers in his district.
1878.
Feb. 1. Letter from Deputy Collector John Inman. Operations against illicit distilleries in Wayne County. Officers attacked by an armed force; firing volley after volley, which was warmly returned; Storekeeper and Gauger Logan severely wounded; repulse and retreat of the law-breakers.
1879.
May. 23. Letter from Collector Landram. Operations against illicit distilleries by Deputy Collector R. A. Burnside; eight stills seized. In Laurel County, the throats of three of the horses belonging to the posse were cut by persons believed to be the owners of a still that was seized.
1880.
Jan. 12. Letter from Collector Landram. Present condition of illicit distilling in his district.
Jan. 12. Letter from Collector Landram. Makes requisition for arms.

TREASURY DEPARTMENT,
OFFICE OF INTERNAL REVENUE,
Washington, October 29, 1877.

SIR: Frequent complaints come to this office from citizens in the several collection districts of Kentucky, that they are subjected to persecution and injury to person and property for aiding officers of the government in enforcing the laws in relation to the suppression of frauds and collection of internal revenue taxes. There seems to be a lawless element in your State who entertain the opinion that they can, without fear of punishment, obstruct the cause of justice by intimidating officers and well-disposed citizens.

Offenses of this kind should be punished summarily, and more severely than mere evasion of the tax laws; and law-abiding people who are willing to aid your officers in the enforcement of the laws of the land, shall be made to feel that they can be protected from the violence of these outlaws.

You are again assured of my intention to see that the statutes for the collection of taxes and punishment of offenders against them, are executed, and are informed that you are expected to take such vigorous and prompt action in bringing *all* offenders to punishment, and especially these conspirators against the peace and order of your district, that they will be glad to desist from their lawlessness and resistance of the authorities.

If the state of affairs complained of continues, I shall feel obliged to take such measures as will secure me the co-operation of more determined and vigorous officers.

I desire also to assure you that I will strengthen and sustain you with all the power at my command in the discharge of your official duties.

Respectfully,

GREEN B. RAUM,
Commissioner.

W. J. LANDRAM, Esq.,
Collector Eighth District, Lancaster, Ky.

TREASURY DEPARTMENT,
OFFICE INTERNAL REVENUE,
December 24, 1877.

SIR: Some days since I directed Revenue Agent Whitfield to confer with you in regard to the best measures to be taken for the suppression of illicit distillation in your district.

I am informed that in Wayne and some other counties the illicit distillers are bold and defiant and have combined to resist the authority of the government in its efforts to enforce the laws. I wish you to inaugurate vigorous measures to break up these lawless combinations and to secure a faithful collection of the revenue from all sources in your district. This is a season when illicit distillers are usually most active. I think that prompt and determined action on your part will avoid much trouble and expense hereafter. These persons must understand that the laws are to be enforced at all hazards, and the sooner they understand this the better.

Revenue Agent Whitfield was authorized to say to you that an allowance would be made you for the employment of a special deputy, if you think it necessary, to aid you in this work for two or three months; also that an allowance from another appropriation would be made large enough to organize a force sufficient to aid the marshals in making arrests in any of the counties infested with illicit distillers. This sum you can expend for guides and assistance, which, with your regular force of deputies, I think, will enable the civil officers to visit any localities, however strong the combinations may be. I wish you to impress upon all your subordinates the importance of prompt and hearty co-operation with all officers in this matter, and your regular deputies must understand that the employment of a special force does not relieve them from the responsibility for illicit distillation in their respective divisions, or in any part of your district in which you may see fit to employ them. It will not be possible to obtain any aid from the military force of the country, and you must rely for the policing of your district and the arrest of offenders upon such a force as you can organize.

I will thank you to inform me at an early day what you are now doing and what your proposed plans of operations are. You will at the same time make an estimate as to the amount of funds you will require for the employment of guides, &c., for the next two months. I named the sum of $500, for your district to Revenue Agent Whitfield. He says that will not be sufficient. It can be increased, if, in your opinion, a larger sum is necessary. I wish your organized force to be strong enough to enable the civil officers to resist all combinations, and to visit any and every part of your district. If the citizens understand that the laws are to be enforced, and resistance to the constituted authorities overcome, I presume you can employ a force of brave and determined men in your vicinity, or, perhaps from other parts of the State, who will render all the assistance necessary, and, in fact, be more efficient than infantry soldiers.

You need not wait for an allowance to be made you, but commence operations as speedily as possible. Send your estimate for funds to this office, and the amount required will be placed to your credit.

The expenditures under this allowance will be settled upon your rendering an account on form 131, with proper vouchers attached. The vouchers should be made on form 10, and properly sworn to. Revenue Agent Whitfield has doubtless explained this matter to you.

Let me hear from you as early as possible as to the general condition of matters in your district.

Respectfully,

GREEN B. RAUM,
Commissioner.

W. J. LANDRAM, Esq.,
Collector of Internal Revenue, Lancaster, Ky.

UNITED STATES INTERNAL REVENUE,
COLLECTOR'S OFFICE, EIGHTH DISTRICT KENTUCKY,
Somerset, Ky., February 1, 1878.

DEAR SIR: Having just returned from Wayne County, where I have been operating as your special deputy during the month last past, would respectfully report my acts, &c., while in that county. In compliance with your instructions I organized, on the 9th and 10th of January, a posse consisting of thirty men, and on the morning of the 11th started to Wayne County, accompanied by Deputy Marshals Penn and Warren and their two bailiffs.

We arrived at Monticello, the county seat of Wayne County, about night and commenced operations at once. While on duty in Wayne we succeeded in arresting ten men who were charged with being guilty of violations of the internal revenue laws,

and seizing 34 gallons of whisky and 99 gallons of brandy. Said parties arrested were respectively named Charles Alcorn, Charles Russell, Mack Phips, Thomas Haynes, William Southwood, William Canada, Charles Canada, James Phillips, Anthony Washum, and Thomas Simpson.

On the 14th a detachment of twenty-two men was sent into the South Fork region, which is one of the most complete harbors for illicit distilleries in Kentucky, and in which, so we were informed, an armed band was prepared to receive us. The detachment proceeded to this badly affected section and succeeded in destroying two grain distilleries without molestation at the time. Still pressing forward with the view of penetrating to the center of this dangerous locality, they were suddenly attacked by an armed force, roughly estimated at from fifteen to twenty-five men. Sheltering themselves behind trees and rocks they fired volley after volley at our men, which was warmly returned. In the early part of the engagement, and before the whole of our force entered into action, Storekeeper and Gauger F. V. Logan, who was in command at the time, was severely wounded in the foot. Although exposed to the shots of the enemy, the firing was kept up briskly for some time, when a charge was made upon them by nearly the whole squad, who were encouraged by the shouts of their commander. The enemy fled. As to the number wounded it is not well known. It is reported one of their number was killed and two or three wounded. Several of our men received shots through their clothing, and had one horse killed. On account of the small number of men, it was impossible to press forward now, as it was absolutely necessary to leave a guard with Logan to insure his safety, which would have made the force too small. So, on the following day, they returned to Monticello to get reinforcements, and as soon as arrangements could be made the party returned to this infected region, and found the enemy had retreated deeper into the hilly country and across the State line, where, so we were reliably informed, they had been reinforced by men from Tennessee, so that they numbered from fifty to sixty men, but being across the Tennessee line made it impossible for us to do anything with them.

Our men scoured the country but found no stills or whisky, there being no doubt that they conveyed both across the Tennessee line. Finding it was impossible to accomplish anything further, we returned to Somerset. In conclusion, I would that it could be impressed upon the minds of the proper authorities the importance of sending soldiers to that county. On account of the geographical outlines of the county, and the manner in which they are organized, it will be a difficult matter to destroy them. They are regularly organized and have men employed who live on the various roads, to give them notice of movements outside, so that it is impossible to enter the county and surprise them. I am satisfied that twenty-five regular soldiers would be of more service than fifty citizen soldiers.

Very respectfully,

JOHN INMAN,
Special Deputy Collector.

W. J. LANDRAM, Esq.,
Collector, Lancaster, Ky.

UNITED STATES INTERNAL REVENUE,
COLLECTOR'S OFFICE, EIGHTH DISTRICT KENTUCKY,
Lancaster, Ky., May 23, 1879.

SIR: I have the honor to state that, pursuant to authority contained in a letter of March 28, 1879, Special Deputy Collector R. A. Burnside, with an organized posse, proceeded to the counties of Jackson, Ousley, Lee, Wolfe, Breathitt, Perry, Leslie, Clay, and Laurel, in this district, for the purpose of suppressing illicit distillation, arresting offenders, &c., and respectfully state that they succeeded in seizing and destroying 8 illicit copper stills, 132 tubs, and 7,700 gallons of beer; estimated value, $1,705.

On the night following the seizure in Laurel County, the throats of three of the horses belonging to the posse were cut by persons who are believed to be the owners of the stills that were captured and destroyed. One horse was killed and the others dangerously wounded.

Very respectfully,

W. J. LANDRAM, *Collector.*

Hon. COMMISSIONER OF INTERNAL REVENUE.

UNITED STATES INTERNAL REVENUE,
COLLECTOR'S OFFICE, EIGHTH DISTRICT KENTUCKY,
Lancaster, Ky., January 12, 1880.

SIR: I have the honor to state, in reply to letter of January 7, 1880, that I have made inquiries of my deputies in regard to the matters named therein, and find the condition of the district in regard to illicit distillation as follows:

In divisions 1 and 4, none whatever.

In division 2, the deputy thinks there is none except in Letcher, Penn, and Breathitt. He has a man employed now locating the illicit distilleries in those counties, preparatory to making a raid.

In division 3, the deputy thinks there are a number in operation in counties of Laurel, Jackson, Whitley, Knox, Bell, and Harlan. He has men employed locating the stills with a view to a raid, to be made during the present month.

In division No. 3, the deputy reports no illicit distilling in Pulaski, and has information that there is probably one in operation in Wayne.

I propose to organize raids under the supervision of the deputies, and to use all means within my power to break up the illicit distilling in the district, which is confined to the counties named herein.

I am satisfied that the illicit distillers manifest a disposition to resist with force the enforcement of the laws; that the best portion of the community where the stills are operated are opposed to the violation of the law, but they usually know but little in regard to it, and nearly all of them are afraid to give information, as they do not care to incur the displeasure and ill-will of such persons.

Very respectfully,

W. J. LANDRAM, *Collector.*

Hon. COMMISSIONER OF INTERNAL REVENUE.

UNITED STATES INTERNAL REVENUE,
COLLECTOR'S OFFICE, EIGHTH DISTRICT KENTUCKY,
Lancaster, Ky., January 12, 1880.

SIR: I have the honor to request that, if practicable, I be furnished with 12 breech-loading carbines, to be used by posse in the suppression of illicit distilling in this district.

Very respectfully,

W. J. LANDRAM, *Collector.*

Hon. COMMISSIONER OF INTERNAL REVENUE.

NINTH DISTRICT OF KENTUCKY.

Synopsis of correspondence.

1877.
Nov. 11. Letter from Commissioner of Internal Revenue to Collector Blaine, calling his attention to acts of lawlessness reported from the Kentucky districts. Cruel persecution of law-abiding citizens. Open resistance to the laws. Every assistance will be rendered him to bring offenders to punishment and break up unlawful conspiracies.

1878.
Jan. 14. Letter from H. C. Rainey, deputy collector. Arrest of an illicit distiller in Powell County by special bailiff. Rescue of the prisoner by a band of armed men, who rob the bailiff of all his money, warn him not to return to the county again, and notify him that they intend to resist the arrest of any parties for violation of internal revenue law.

1880.
Jan. 28. Letter from Collector Blaine, showing present condition of affairs in his district with reference to illicit distilling.

TREASURY DEPARTMENT,
OFFICE OF INTERNAL REVENUE,
Washington, November 14, 1877.

SIR: Referring to your letter of the 7th instant, in reply to office letter of the 29th ultimo, in regard to acts of intimidation and violence by lawless persons in your and other districts in Kentucky, you are informed that this office has received frequent complaints of the condition of affairs in your State from persons who are not willing

to have their names made public from fear of being subjected to the brutal treatment which has been visited upon others.

I give you one instance which is reported to have occurred within a short time in your own district.

Two persons (one of whom is named Day), acting in the capacity of United States deputy marshals, arrested Archie Risner, in Magoffin County, for violation of internal revenue laws. While they had him in custody they were attacked by an armed party, friends of the prisoner, who, by threats and intimidation, compelled his release, and, as the writer puts it, "the guards had to make some very fair promises at the muzzle of an Army six-shooter."

He then adds, "Murders without cause are common in parts of the State where illicit distillation is carried on. Men who have given information of illicit stills, or have acted as guides, guards, or witnesses against illicit distillers, live in constant danger to themselves and property."

The act of resistance to law, above referred to, in your district, may not have occurred as reported, but of the truth of the statement you can easily satisfy yourself.

From the best information I can obtain I am convinced that the enforcement of the internal revenue laws has been openly resisted in nearly all, if not in every district of Kentucky, and that law-abiding citizens have been subjected to cruel persecution for direct and indirect assistance given to officers. From your own statement of the lawless character of the people inhabiting those localities which are mostly infested with illicit distillers, I apprehend that your district may not be an exception.

You seem to fully appreciate the importance of vindicating the law, and I feel satisfied that you will now prosecute the work vigorously. I will, as I have before assured you, do all in my power to aid you in your efforts to enforce the laws, bring offenders to punishment, and break up unlawful conspiracies which have so long existed in your State.

Respectfully,

GREEN B. RAUM,
Commissioner.

JOHN E. BLAINE, Esq.,
Collector Ninth District, Maysville, Ky.

UNITED STATES INTERNAL REVENUE,
DEPUTY COLLECTOR'S OFFICE, NINTH DISTRICT KENTUCKY,
Mount Sterling, Ky., January 14, 1878.

SIR: On the 11th instant Special Bailiff Samuel Childers left this city and proceeded to Powell County, and on Red River arrested one Lee Spangler, who was indicted at the last October term of the United States court at Louisville, Ky., for illicit distilling. While returning to this place with his prisoner he was intercepted by a party of four or five armed men who demanded and secured the release of Spangler, disarmed the bailiff and robbed him of all the money in his possession; warned him not to return to that county again, and notified him that they intended to resist the arrest of any parties charged with violation of the internal-revenue laws. Mr. Childers, having but one man with him, was compelled to surrender his prisoner.

I have already informed your office that other armed bands are organized in this (the ninth) and the eighth district of Kentucky, for a similar purpose.

Mr. Childers knew two or three of the men in the band and will make the necessary affidavits, and warrants will be issued for their arrest.

Very respectfully,

H. C. RAINEY,
Deputy Collector.

Hon. COMMISSIONER INTERNAL REVENUE,
Washington.

UNITED STATES INTERNAL REVENUE,
COLLECTOR'S OFFICE, NINTH DISTRICT KENTUCKY,
Maysville, January 28, 1880.

SIR: I have the honor to acknowledge the receipt of your letter of January 7, requesting information respecting the present condition of this district in regard to illicit distillation, the extent to which it is carried on, &c.

I am credibly informed that in Floyd, Pike, and other counties formerly infested with this class of offenders, no illicit distilleries have been operated recently, and, so

ar as I am able to ascertain, no illicit distilleries have been operated in any county in the district since my raid in Elliott County in October and November last, excepting Rowan and in the corners of Rowan, Morgan, and Bath, near where the three counties join. In this locality some five or six small stills have recently been operated. One of these, located in the cliffs of Licking River, in Morgan County, near the Rowan line, was seized and destroyed, and two men arrested by Deputy Collector Patrick and posse, on the night of the 8th instant. Deputy Collector Rainey is making arrangements to raid those in Rowan and Bath Counties, and expects to reach them within the next week.

But few illicit distillers have attempted to resist with arms the enforcement of the laws; but threats and attempted intimidation have been freely indulged in, and I think it best to strengthen my officers with a sufficient posse to enable them fearlessly to discharge their duties. In Deputy Collector Stewart's raid in Elliott County, in October and November last, a number of shots were exchanged between the officers and distillers, and two of the distillers were reported wounded. Some four distillers who escaped arrest at the time subsequently came into Grayson and gave themselves up, plead guilty, and were sentenced at the December term of the United States court at Covington. Deputy Collector Rainey states that on one occasion last fall, while riding alone in Rowan County, he was fired on from the bushes, and at another time was pursued by fourteen armed men. He thinks their intention was more to intimidate than harm him. He says: "While having little fear for my personal safety, especially when not accompanied by armed men, I think it prudent not to travel the same road going to and returning from any given point."

Deputy Collector Patrick states that on the night of the 8th instant, after having destroyed the distillery and arrested the men referred to, he, with his party, remained at a house near by, and that a party of men came there in the night, surrounded the house, and discharged their guns; but as he and his party remained in the house, the party out side finally left without further disturbing them.

My officers are not aided and supported in the discharge of their duties by the public sentiment in the localities where these violations of law are prevalent. In many instances the citizens would be glad to see the offenders punished, and do sometimes give information that leads to the discovery of illicit stills, but as a general thing all information is refused, as they assert, from fear, which fear is, I think, better described under the title "pure cussedness."

In my opinion, however, there is a growing sentiment in favor of law and order; and I trust the day is not far distant when the internal revenue officers will be openly aided in the discharge of their duties by the better class of citizens in all parts of the district.

Very respectfully,

JOHN E. BLAINE, *Collector.*

Hon. G. B. RAUM,
Commissioner Internal Revenue, Washington, D. C.

FOURTH DISTRICT OF NORTH CAROLINA.

Synopsis of correspondence.

1879.

Jan. 14. Letter from Collector Young, inclosing letter from Deputy Collector Pennington, reporting raid on illicit distilleries in Stanly County; "Moonshiners" make it "warm" for revenue officers; two officers wounded; ten squads of armed men scouring the county for revenue officers.

Feb. 13. Letter from Revenue Agent Kellogg: Reports raid on illicit distilleries in four North Carolina counties; armed resistance; officers fired upon; fire promptly returned; moonshiners flee to the mountains.

Mar. 5. Telegram from Collector Young: Seizure of still in Moore County; man named Seawell killed by distiller while assisting revenue officer.

Apr. 1. Telegram from Collector Young: Operations against illicit distillers in Anson County; officers attacked and fired at repeatedly by illicit distillers.

Apr. 21. Letter from Commissioner Internal Revenue to Collector Young, urging earnestness and diligence in suppressing illicit distillation; no temporizing; adequate force must be employed; endeavor to array all law-abiding elements in the infected counties against the law-breakers.

Sept. 4. Letter from Collector Young, inclosing report of Deputy Collector Pennington as to state of affairs in Anson and Stanly Counties; combinations of illicit distillers; secret lodges, grips, and passwords; banded together to kill revenue officers, &c.

Sept. 4. Telegram from Collector Young: Reports the seizure of tobacco in his district for violation of law, which is afterwards replevied by process of State court.

Sept. 16. Letter from Commissioner of Internal Revenue to Collector Young: Directs collector to institute diligent search for tobacco lawfully seized by him and replevied by State process; seize it wherever found and hold it against all comers, whether with State process or otherwise; refers to section 934, Revised Statutes.

Dec. 20. Letter from Collector Young: Reports destruction of illicit still by Deputy Collector Barnes; illicit distillers destroy deputy's buggy in retaliation.

Dec. 23. Letter from Collector Young: Reports raid on illicit distillers by Deputy Collector Byrd; violent resistance by illicit distillers; officers fired on from the bushes; horse wounded; narrow escape of the guide.

UNITED STATES INTERNAL REVENUE,
COLLECTOR'S OFFICE, FOURTH DISTRICT NORTH CAROLINA,
Raleigh, January 14, 1879.

SIR: I received telegram to-day from Deputy Collector Pennington, saying he feared, from reliable information, bodily harm to himself and posse, and also attempt to release the prisoners he prosecuted before commissioner and put in jail in Stanly and Anson Counties. He is good pluck and is guarding the jail at night. I inclose copies of letters from ——— ——— to him, and his letter to me.

Colonel Kellogg goes to his assistance by first train. All will be done that can be done to maintain the supremacy of the law.

Very respectfully,

I. J. YOUNG, *Collector*.

Hon. G. B. RAUM,
Commissioner Internal Revenue, Washington, D. C.

R. R. SPRINGS,
Saturday, January 11.

SIR: There is great excitement up about Kennedy's Ford. There are ten squads of armed men scouring the country, numbering 10 or 12 men to the squad, swearing vengeance on all who were even friendly to your purpose. The men who piloted you up there have had to leave. I think you ought to come right back and finish them. I am going up to-day, and if they don't kill me, if you go I would like to be with you. I do not think it necessary to go out of this county for help, but something ought to be done. The women and children are all scared to death, while their husbands and families are swearing death to all revenues and their friends.

Come ahead and finish your work.

Your friend,

——— ———.

Mr. PENNINGTON, *Wadesborough*.

Respectfully referred to Col. I. J. Young, Collector. I've just received this minute this letter. I am personally acquainted with the writer, ——— ———, and know him to be a reliable man. Am advised *not* to rely on help here or Stanly County.

Yours truly,

L. B. PENNINGTON,
Deputy Collector.

WADESBOROUGH, N. C.,
January 13, 1879.

UNITED STATES INTERNAL REVENUE,
DEPUTY COLLECTOR'S OFFICE, FOURTH DISTRICT NORTH CAROLINA,
Wadesborough, N. C., January 12, 1879.

DEAR SIR: I foward you a report of my raid in Stanly County, which resulted in the capture of 13 illicit distilleries, 162 beer stands, 13,150 gallons of corn beer or mash, together with numerous other articles.

After the first three days the moonshiners made it very warm for us, and kept it up until we were forced to leave the woods for the protection of our lives. We left under a volley fired at us from the hillside. Our good engineering and my hallooing to the

top of my voice that I would shoot the prisoners dead at the fire of the next gun, no doubt kept the last one of us from being killed.

One of my men received two wounds in his head, one of which is feared will prove fatal. The deputy marshal also received a slight wound in his privates. The doctor says he will be out in six or eight days.

It is impossible for me to give you any idea by letter of the condition of Stanley County, and the danger to one man or to one dozen men in attempting to enforce the revenue law there. It's a fact, and one that all the men in this county and what few good ones there are in Stanly will bear me out in, that the determined will of the moonshiners in Stanly County to run whisky distilleries in the face of the law, is a task for 60 *well-armed* men to suppress.

I am satisfied that there are now in that county at least one hundred illicit distilleries and will be in operation soon as my tracks are cold.

I hope some plan may be devised soon whereby they may be broken up and without the sacrifice of life.

Yours truly,

L. B. PENNINGTON,
Deputy Collector.

Col. ISAAC J. YOUNG,
Collector Internal Revenue, Raleigh, N. C.

UNITED STATES INTERNAL REVENUE,
Raleigh, N. C., February 13, 1879.

SIR: I have the honor to submit the following report of my raid in breaking up illicit distilleries in the counties of Chatham, Moore, Montgomery, and Randolph, fourth and fifth districts, North Carolina.

I made arrangements to meet and start from Hadley's Mills, in Chatham County. We all met there on the evening of February 4, Collector Wheeler, of the fifth district, sending me three of his deputies, and Collector Young sending five deputies; the balance of the party was employed by myself, and consisted of sixteen all told, including deputies. We started on the morning of the 5th, raiding through the western part of Chatham County, then moving south through Moore County. I then divided the party, those from the fourth district going around east through Moore, then north through Chatham again, while I took those from the fifth district and went west through Montgomery, then north through Randolph. We have, I think, raided these counties very thoroughly. It was so far to Stanley County, and, as our horses were giving out, I was compelled to give up raiding that county at this time.

We captured 28 illicit distilleries; destroyed 17 copper stills, —— caps and worms, 340 beer stands, 21,500 gallons mash and beer, 217 gallons low wines, 40 gallons whisky, and 25 bushels meal and malt; also captured two wagons with about 100 gallons whisky. The horses and part of the whisky was recaptured from the guard that I sent with it. They saved the wagons, harness, and one package of brandy. A detachment of my party was followed and fired upon by a party of the moonshiners. The fire was returned promptly, and, from information received two of the moonshiners were wounded, at which they ran for the mountains, leaving my men masters of the situation. Montgomery County is infested by a lawless set of men, who bid defiance to law, and who have been carrying on the business of illicit distilling without molestation. I routed them completely, destroyed their stills, and drove them into the mountains. I have the names of many of them, and will have them arrested if I can get the marshals to serve the warrants. I am of the opinion the raid will do much to break up illicit distilling in these counties.

Very respectfully,

HORACE KELLOGG,
Revenue Agent.

Hon. GREEN B. RAUM,
Commissioner Internal Revenue, Washington, D. C.

[Telegram.]

OFFICE COLLECTOR, FOURTH DISTRICT NORTH CAROLINA,
Raleigh, March 5, 1879.

Hon. GREEN B. RAUM,
Commissioner:

SIR: Deputy Collector Moore seized illicit still in Moore County. Man named Seawell killed by owner while moving the still to Egypt, Deputy Collector Moore's headquarters. Full particulars not known.

I. J. YOUNG, *Collector.*

[Telegram.]

COLLECTOR'S OFFICE, FOURTH DISTRICT NORTH CAROLINA,
Raleigh, April 1, 1879.

Hon. GREEN B. RAUM,
Commissioner Internal Revenue:

SIR: Pennington's raid in Anson captured four distillers and had to retire to prevent bloodshed. Mason with posse captured eight in Orange; they were attacked and fired at eight or ten times. Nobody hurt. He acted with courage and discretion. I will need more money to enforce law in Anson.

I. J. YOUNG, *Collector.*

TREASURY DEPARTMENT, OFFICE OF INTERNAL REVENUE,
Washington, April 2, 1879.

SIR: I have just read in to-day's New York Times a long dispatch from Raleigh, N. C., giving an account of the condition of affairs in Stanly County and other portions of your district. It seems that you have stirred up a regular hornet's nest in your attempt to enforce the laws in those outlying counties. It is evident that this work has been long neglected, and now requires your most earnest and serious consideration, so as to assert the supremacy of the laws. You have no small job upon your hands, and I desire that you shall devote yourself earnestly and diligently to the work of suppressing fraud in your district.

It is not enough that you shall send a few men into these counties to be driven out and then leave the work unfinished. You must organize a sufficient force to make seizures and arrests, and call upon the marshal to send deputy marshals with you to aid in the enforcement of the laws. You should invoke the earnest support of all law-abiding citizens, especially the sheriffs, judges, justices of the peace, and constables of the counties where these frauds are perpetrated, and endeavor to array all the law-abiding elements of the counties against these combinations of men who seek to overthrow *all* law by the resistance to the enforcement of the laws of the United States.

I am deeply in earnest in regard to this matter, and I trust that there will be no temporizing method adopted by you.

Very respectfully,

GREEN B. RAUM,
Commissioner.

ISAAC J. YOUNG, Esq.,
Collector, Raleigh, N. C.

UNITED STATES INTERNAL REVENUE,
COLLECTOR'S OFFICE, FOURTH DISTRICT, NORTH CAROLINA,
Raleigh, September 4, 1879.

SIR: I forward herewith copy of letter from L. B. Pennington, deputy in Anson and Stanly Counties, that you may see how matters are.

I have ordered Pennington to another division, and have ordered Deputy Burns in that division, with office in Stanly County, at Albemarle, its county site. It is doubtless quite hazardous for him to attempt to execute the law there, but it is the best I can do, and will send him, believing it best to put on a bold front and go directly in the enemy's country. I hope he will remain unharmed; I have cautioned him against remaining in the country at night.

I feel that he will be safe at Albemarle, as many of the more enlightened citizens dwell there.

Since this letter was written the sheriff has taken from Pennington two mules, wagon, and nine boxes of tobacco, seized by him for reused stamps. The sheriff was ordered to do so by clerk of superior court of Anson County, and to restore property to the claimant, one Beck, a peddler of manufactured tobacco.

Thus has arisen a conflict of State and Federal authority, and so far the State is victor.

I shall, however, exhaust all the means at command to recover the property and punish the usurper of authority.

Very respectfully,

I. J. YOUNG, *Collector.*

Hon. GREEN B. RAUM,
Commissioner Internal Revenue, Washington, D. C.

UNITED STATES INTERNAL REVENUE,
DEPUTY COLLECTOR'S OFFICE, FOURTH DISTRICT NORTH CAROLINA,
Wadesborough, N. C., August 25, 1879.

DEAR SIR: As you have seen fit to favor me with a division of a more quiet nature than the one I now have charge of, before I leave I feel it my duty, as a revenue officer, to call your attention to a true condition of things in Stanly County. I shall not say what I do not know or set down aught in malice. How far the organization of which I shall speak permeates in the county I am unable to say, but I have positive information that 240 men have organized themselves into lodges at or near the following places, viz: Big Lick, Locust Level, Long Creek, Reuneday's Ford, Foreman's Mills, and Bear Creek. These are secret lodges, with passwords, grips, &c., by which its members are banded together to set at defiance the revenue law, and kill any officers that dare to invade their secret precincts to enforce them. They are scattered among the woods, behind the rocks, armed and equipped for slaughter, and any quiet, peaceable citizen is liable to be shot or deprived of his liberty on the highway. It almost reminds one of the famous "Ku-klux" of the South, the Lowery gang, or the banditti of Italy. There in their dens they have their illicit distilleries, manufacture their whisky, revel in midnight orgies, and perfect themselves in grips and passwords, defying the laws of the government, and breathing with their whisky breath death and destruction to revenue officers. "Die at home" is the watchword. Even their own citizens have been forced to leave their homes and firesides under a fire of musketry because they gave shelter to a squad of revenue raiders under my charge. You remember hearing of E. T. Gaddy, one of my posse, receiving two wounds in his head from parties in ambush. It is often that I am forced to cross the river to Anson County as best I can, all the regular fords being guarded by armed men.

Such is the state of affairs that only a few days ago Lendry Davis, a salesman in a house of Charlotte, a gentleman in the quiet pursuit of his business, was arrested by a posse of armed men, and only relieved by convincing them that he was not in any way connected with the revenue service.

The above are facts which can be substantiated, and it is for the government to say whether it will not put forth its powers and drive these vipers from the land.

Yours truly,

L. B. PENINGTON,
Deputy Collector.

Col. ISAAC J. YOUNG,
Collector Internal Revenue, Raleigh, N. C.

[Telegram.]

RALEIGH, N. C., *September* 4, 1879.

Hon. GREEN B. RAUM,
Commissioner, Washington, D. C.:

Deputy Pennington seized of one Beck, peddler, at Wadesborough, in Anson County, on the 20th August, two mules, wagon, nine boxes tobacco manufactured by R. L. Gwynn, fifth district; charge, reused stamps. I reported it to you same day. His counsel, Colonel Bennett, prominent Democratic politician and lawyer, asked me to release property. I declined, and suggested in letter 29th that he apply to Secretary and yourself.

One Hugh Gwynn, representing Beck as Bennett's client, on 30th made affidavit before clerk superior court, Anson County, claiming property, alleging wrongful detention by Deputy Pennington, and that R. L. Gwynn, manufacturer, had an interest on account purchase money. On such affidavit one McLauchin, clerk court Anson County, issued order to Sheriff Hardison to seize said property from Deputy Pennington, using this language: "Take said property from defendant and deliver it to the plaintiff." Sheriff demanded property of Pennington. Pennington refused to surrender it, protesting against such action and quoted statutes. Sheriff took it from him, Pennington protesting; so the matter stands. Property taken from deputy and given to claimants. If this precedent is established, the law cannot be enforced here.

I. J. YOUNG, *Collector.*

TREASURY DEPARTMENT, OFFICE OF INTERNAL REVENUE,
Washington, September 16, 1879.

SIR: Since my return I have carefully examined the dispatches and correspondence in regard to the seizure of certain property of P. C. Beck, and its subsequent release by a writ of replevin from the State court.

You have two remedies for the recovery of the property—one by replevin in the

United States court, and the other by seizure by yourself or one of your deputies. The latter proceeding is preferable.

The persons engaged in the release of this property will not be protected by the writ from indictment and prosecution, and I desire their case brought before the grand jury at its next session. Every citizen of the United States is bound to take notice of section 934 Revised Statutes of United States, and the officer executing the State process was, I understand, informed of that section. I desire that you shall institute the most diligent search for the recovery of this property, and seize it wherever found, and *employ a sufficient force to hold the property against all comers, whether with a State process or otherwise.* It is the right and duty of your officers *to defend with force the possession of property lawfully seized by them against any person who intends or endeavors to rescue it, with or without State process, and I desire that this shall be done in every case.*

Very respectfully,

GREEN B. RAUM,
Commissioner.

ISAAC J. YOUNG, Esq.,
Collector, Raleigh, N. C.

UNITED STATES INTERNAL REVENUE,
COLLECTOR'S OFFICE, FOURTH DISTRICT NORTH CAROLINA,
Raleigh, December 23, 1879.

SIR: I received to-day a letter from Walter M. Byrd, one of my deputies, dated "Troy, December 18, 1879," in which he writes:

"I arrived at A. H. Saunders & Bros.' still on the 16th. Mr. Saunders went off after a guide to take me to Enoch Callicott's blockade still in the mountains on Barnes's Creek, about six miles from Saunders's distillery. We started about daybreak, taking with us guides; found the still in full blast. George Luther and John Allen Callicott ran out of the still-house before we could get to it. We cut down all of the stands, and cut the old still (which was a very sorry one) 'all to flinders'; loosed our horses, and were making preparations to mount when George Luther and John Allen Callicott fired on us from the bushes, at the distance of about 100 yards, with squirrel rifles, one ball passing through the overcoat of my guide, ———, where the sleeve is sewed to the coat on the shoulder, cutting his dress-coat threadbare, but doing no further damage. The other missed my shoulders about one foot and wounded my mare a few inches back of the hip joint. Mr. Davis saw the men after they fired, and says that he is well acquainted with them, and knows that it was Luther and Callicott. I went in there coolly, not expecting anything but to be shot at before we could get out. We thought once of charging them with our pocket pistols, but after consulting, thought it wise to get out without losing any more time or giving them any more advantages.

"I started for Ross's blockade still on yesterday evening, but my mare got so she could not travel (from the wound), and I made my way to this place, walking eleven miles through the mud, leading my mare; got here about dark.

"The greater portion of the men who are running the blockade-stills in this county are desperadoes, and if the supremacy of the internal-revenue laws is maintained, it will have to be done by force of arms."

Very respectfully,

I. J. YOUNG, *Collector.*

Hon. G. B. RAUM,
Commissioner Internal Revenue, Washington, D. C.

UNITED STATES INTERNAL REVENUE,
COLLECTOR'S OFFICE, FOURTH DISTRICT, NORTH CAROLINA,
Raleigh, December 20, 1879.

SIR: My deputy, D. S. Burns, writes me from Albemarle, N. C., December 18, as follows:

"I destroyed the still I told you about, one 60-gallon, with 350 gallons beer, 6 empty stands, 20 gallons singlings; then went with the gauger to Israel Barber's to gauge some brandy. They came during the night, carried my buggy 1¼ miles, and completely destroyed it—loss to me of $50."

Very respectfully,

I. J. YOUNG, *Collector.*

Hon. G. B. RAUM,
Commissioner Internal Revenue, Washington, D. C.

FIFTH DISTRICT OF NORTH CAROLINA.

Synopsis of correspondence.

1877.

Jan. 16. Letter from Collector Winstead. Combinations to resist the revenue laws in his district.

Mar. 5. Letter from Revenue Agent Wagner. Raid on illicit distilleries in the South Mountains, assisted by troops; fired at from ambush; one soldier severely wounded.

May 18. Letter from Revenue Agent Wagner. Incloses statement of Deputy Collector Corsbie relative to shooting and serious wounding of James H. Gray by illicit distillers or their aiders and abettors.

June 9. Letter from Revenue Agent Wagner. Operations against illicit distillers in Granville County. Two colored men driven from their homes for giving information.

1878.

Jan. 21. Letter from H. L. Shore, deputy collector. Operations against illicit distillers in Randolph County. Evidence of thorough organization among the law-breakers.

Aug. 23. Letter from Collector Wheeler. Information as to raid by Deputy Collector Reid on illicit distilleries in a section of country known as "Red Cross." He and his party fired at from ambush. One horse killed and one wounded. Reid's life threatened by violators of law.

1879.

Mar. 24. Letter from Commissioner of Internal Revenue to Collector Wheeler. Thanks him for vigor in the enforcement of laws. Notes the increase of legal distilleries in his district, and thinks it an excellent indication.

Apr. 18. Letter from Collector Wheeler. A raiding party in the county of Stokes fired upon by parties in ambush, and Deputy Collector Joyce wounded.

Apr. 26. Letter from Collector Wheeler. Asks for arms for use of deputies in enforcing laws.

May 1. Extract from letter of Commissioner of Internal Revenue to Secretary of the Treasury, describing extensive tobacco frauds in North Carolina.

June 5. Letters from Deputy Collectors Stipe and others. Operations against an illicit distillery in the county of Stokes. Engagement with an armed force of illicit distillers. Repeated firing on the officers, some of whom are slightly wounded. Desperate character of the men operating the distillery. Sympathy of the community with the violators of law.

June 20. Letter from Commissioner of Internal Revenue to Collector Wheeler, commending vigorous efforts made to suppress illicit distilling and urging continuance of the same.

Dec. 23. Letter from Collector Wheeler. Seizure of illicit distilleries in various parts of the district. Officers fired upon from ambush in Guilford County.

1880.

Jan. 14. Letter from Collector Wheeler, reporting improved condition of affairs in his district as to observance of the revenue laws.

UNITED STATES INTERNAL REVENUE,
COLLECTOR'S OFFICE, FIFTH DISTRICT NORTH CAROLINA,
Greensborough, January 16, 1877.

SIR: Your letter of the 20th December, relative to the perpetration of frauds by the "illicit manufacture of spirits and tobacco," has been received. An election year for many reasons seems to be an unfortunate one for rigidly executing the laws, and in some localities in this district the blockaders have combined and offered more resistance than I could overcome with my deputies. If, however, you will furnish me with means to employ men equal to the work, and I respectfully request that you do so, and these frauds are not broken up, I will have no cause to complain, if held responsible for them.

I am now doing what I can to suppress them, with the aid of Major Wagner, revenue agent.

Very respectfully,

C. S. WINSTEAD, *Collector.*

Hon. GREEN B. RAUM,
Commissioner Internal Revenue, Washington, D. C.

UNITED STATES INTERNAL REVENUE,
Greensborough, N. C., March 5, 1877.

SIR: I have the honor to report the completion of two raids on illicit distilleries in the South Mountains, forming the boundary between Burke, Catawba, Cleveland, and Rutherford Counties, North Carolina, made under direction of Col. Frank J. Bramhall, assisted by Lieutenant Howard and a detachment of soldiers from Company F, of the Second United States Artillery, stationed at Morganton, which resulted in the destruction and capture of eight distilleries, with contents of six copper stills, caps, and worms, over 10,000 gallons mash and beer, 102 mash tubs, and considerable corn, meal, whisky, and singlings, and the arrest of six persons charged with illicit distilling.

On the morning of the 28th the party was fired on by four men concealed in dense laurel on the top of an inaccessible bluff, and one of the soldiers severely wounded, the ball lodging in his chest. The assailants then fled and escaped arrest at the time, but are now being pursued.

Very respectfully,

JACOB WAGNER,
Revenue Agent.

HON. GREEN B. RAUM,
Commissioner Internal Revenue, Washington, D. C.

UNITED STATES INTERNAL REVENUE,
Greensborough, N. C., May 18, 1877.

SIR: I have the honor to inclose a statement made to me yesterday, by one of the deputies of this district, relative to the shooting of James H. Gray, one of the raiding party on illicit distillers in the eastern portion of this county.

This case again demonstrates the folly of raiding on distillers in this State without an armed force.

Very respectfully,

JACOB WAGNER,
Revenue Agent.

HON. GREEN B. RAUM,
Commissioner Internal Revenue, Washington, D. C.

Statement of I. W. Corsbie, deputy collector, fifth district North Carolina.

On the 16th instant I started from Greensborough, N. C., to a point on Alamance Creek, in this, Guilford County, where I had been informed that one Perry Sheppard was operating an illicit distillery. I took three men with me, all citizens of Guilford County, and reached the distillery about noon. There was no one at it when we reached it. The still, a copper boiler of about 80 gallons capacity, was set up in the furnace, with fire under it, and filled with hot water. There were 16 full tubs of mash and beer, probably 1,600 gallons, in the still-house. The beer was fit for distillation. I knew it to be an illicit distillery. I seized the distillery and contents, took an inventory of the property, and told my men to take possession of it. The men who accompanied me were ———, ———, and James H. Gray. After finishing the inventory and disposing of the property we all sat down near the distillery to rest. While sitting there a shot was fired from a hill just above us, and a ball struck Gray in the hip, inflicting a serious wound. We saw nobody, but simply heard the shot. There is a large settlement of brothers and relations of Sheppard's in that neighborhood. We then withdrew and brought away our wounded man. As we were coming away we passed the house of widow Sheppard, where there were five men congregated, four of whom followed us for some distance, but made no further resistance. We have every reason to believe that it was either Perry Sheppard or one of his relations who did the shooting.

I. W. CORSBIE,
Deputy Collector, Fifth District North Carolina.

UNITED STATES INTERNAL REVENUE,
Greensborough, N. C., June 9, 1877.

SIR: I have the honor to report that Special Deputy Collector Lamond, fourth district of North Carolina, seized two distilleries and contents, about ten days ago, in Granville County, fifteen miles from Oxford, the county seat. The parties operating the stills were apprehended in the act, but escaped. After the officers disposed of the property and went away, a mob assembled and drove two colored men, named —— and ——, who were suspected of having given information, away from their homes, threatening to kill them. They are now in Raleigh, afraid to return home.

Very respectfully,

JACOB WAGNER,
Revenue Agent.

HON. GREEN B. RAUM,
Commissioner Internal Revenue, Washington, D. C.

WINSTON, N. C., *January* 21, 1878.

SIR: I have just returned from a raid in the county of Randolph, and have the honor to report that I visited eight illicit distilleries, and poured out the beer, destroyed the stands, and cut up one copper still.

In consequence of the thorough organization of the illicit operators, it is impossible to prevent information from being conveyed from one to another, which enables the distillers to pull up their stills and carry them to the hills and hollows, where they cannot be found.

Very respectfully,

H. L. SHORE,
Special Deputy.

Dr. W. H. WHEELER, *Collector.*

TREASURY DEPARTMENT,
OFFICE OF INTERNAL REVENUE,
March 24, 1879.

SIR: I acknowledge the receipt of your report of the 21st, showing the number of seizures, &c., since the 15th November last.

This report shows that you have put a great deal of vigor into the enforcement of the laws in your district, for which you are entitled to the thanks of this office.

I note that the number of authorized distilleries has increased from 15, September 1, 1877, to 62, March 20, 1879. This is an excellent indication, and I trust that this work will go on until illicit distilleries are thoroughly rooted out in your district.

Very respectfully,

GREEN B. RAUM,
Commissioner.

W. H. WHEELER, Esq.,
Collector, Winston, N. C.

[Telegram.]

UNITED STATES INTERNAL REVENUE,
COLLECTOR'S OFFICE, FIFTH DISTRICT NORTH CAROLINA,
Winston, April 18, 1879.

HON. GREEN B. RAUM,
Commissioner Internal Revenue, Washington, D. C.:

My raiding party in the county of Stokes, consisting of Deputy Collector R. T. Joyce, Special Deputy B. F. Bynum, jr., and one guide, when in the vicinity of a blockade distillery reputed to be owned by one James Smith, were fired upon by parties in ambush, wounding Deputy Collector R. T. Joyce, fortunately not seriously.

I shall organize a party in a few days that will go through that county and effectually clean it up. Smith is a desperate character, having killed three men.

Very respectfully,

W. H. WHEELER, *Collector.*

[Telegram.]

UNITED STATES INTERNAL REVENUE,
COLLECTOR'S OFFICE, FIFTH DISTRICT NORTH CAROLINA,
Winston, April 26, 1879.

Hon. GREEN B. RAUM,
Commissioner Internal Revenue, Washington, D. C.:

I have the honor to make requisition for 8 Navy revolvers, equipments, and 100 rounds of cartridges, for the use of my deputies and raiding parties in this district, in the enforcement of the internal-revenue laws.

Very respectfully,

W. H. WHEELER, *Collector.*

[Extract from a letter from the Commissioner of Internal Revenue to the Secretary of the Treasury dated May 1, 1879.]

* * * * * *

In 1877 it became apparent to this office that enormous frauds were being practiced in North Carolina in connection with the sale of manufactured tobacco. The loss to the government was estimated at from $600,000 to $1,000,000 a year. It was with a good deal of difficulty that these frauds were discovered, but, by patient and discreet work, Revenue Agents Wagner and Brooks succeeded in developing the violations of law, and there were seized during the year 1877, and early in 1878, in the fifth district North Carolina, sixteen large tobacco factories, the proprietors of fourteen of which pleaded guilty. One was convicted, and one libel is now pending.

It is well known that North and South Carolina, and a portion of Georgia, are infested with what are known as "blockade tobacco" peddlers, who travel through sparsely settled portions of the country selling fraudulent tobacco. To protect the government and honest dealers against these violations of law requires the constant vigilance of officers in those districts.

* * * * * *

Very respectfully,

GREEN B. RAUM,
Commissioner.

UNITED STATES INTERNAL REVENUE,
DEPUTY COLLECTOR'S OFFICE, DISTRICT NORTH CAROLINA,
June 5, 1879.

SIR: In compliance with your instructions, we left Winston at five o'clock on the evening of the 3d instant, and traveled the entire night through a heavy rain without food or rest, and arrived at an illicit distillery, 40 miles from Winston, on the premises of the Smiths, in the county of Stokes, at six o'clock on the morning of the 4th, and have the honor to inform you that we destroyed one copper still and cap, one worm, 100 gallons singlings, 1,500 gallons beer, 13 beer stands, 20 gallons whisky, 2½ bushels malt and rye meal, and 5 kegs.

Several of our party were shot, but no one seriously injured. We made a charge upon them, and drove them from the premises, whereupon they took refuge in the dense undergrowth, and continued to fire upon us.

We drove them from their position and returned to the point where we were first fired upon, when we were again fired upon from a different direction, wounding one of our horses. Deputy Collector Joyce was fired upon and wounded at this distillery in April last, and compelled to retreat.

The parties who have been operating this distillery are men of desperate character, and have surrounded themselves with lawless men who have no regard for any law, and who for certain considerations to be paid in whisky commit any crime at their bidding. In fact, the whole community is in sympathy with the violators of the law, and we think an officer without a strong force would imperil his life in any attempt to enforce the law in that locality.

A distance of 85 miles was traveled in less than 30 hours, with only one meal and without sleep.

Very respectfully,

A. L. STIPE,
B. T. BYNUM, JR.,
J. O. WORTH,
Deputy Collectors.

Hon. W. H. WHEELER,
Collector, Fifth District North Carolina.

TREASURY DEPARTMENT, OFFICE OF INTERNAL REVENUE,
Washington, June 20, 1879.

SIR: Referring to your letter of the 9th instant, inclosing a report of operations by Deputy Collector A. L. Stipe and others, in Stokes County, you are informed that the vigorous efforts of your deputies meet and receive commendation of this office.

The condition of affairs in that county is such as to demand your immediate attention, and I trust that you will adopt vigorous measures to secure the arrest of the law-breakers and bring them to punishment.

The appropriation for the suppression of frauds for the next fiscal year will be available on the 1st proximo, and I will make to you a sufficient allowance to enable you to organize a force strong enough to resist any opposition which may be made to the enforcement of the laws in that county or other parts of your district.

Respectfully,

GREEN B. RAUM,
Commissioner.

W. H. WHEELER, Esq.,
Collector Fifth District, Winston, N. C.

UNITED STATES INTERNAL REVENUE,
COLLECTOR'S OFFICE, FIFTH DISTRICT NORTH CAROLINA,
Winston, August 23, 1878.

SIR: Deputy Collector George W. Reid, of this district, informs me that on Saturday last, the 17th instant, he visited two illicit distilleries in Randolph County, in a section of the county known as "Red Cross," where he destroyed in one distillery one 75-gallon still, one heater and worm, and 18 stands of beer, 12 bushels of meal, and 10 gallons of singlings. This distillery is located on the lands of Dongan Brower and the heirs of ——— Underwood. Also, in the same locality, one 60-gallon still, caps and worm, 12 beer stands, 8 bushels meal, 4 gallons singlings, and 150 bushels peach pomace, and a number of empty stands, located on the lands of John Jones.

While Deputy Reid was engaged in the destruction of the first-named distillery, assisted by two men whom he had summoned to assist him, they were fired upon several times by persons in ambush. One horse was shot through the body and died very soon; another horse was shot in two places and disabled. Both of these horses were supplied by Mr. Reid, and the owners are demanding pay from him for the horse that was killed and damages for the one crippled.

Mr. Reid is a man of limited means, and I do not think is able to pay for the horses. If there is any provision of law that will justify you in making him an allowance for this purpose, I respectfully ask you to do so. He has shown commendable zeal in his efforts to break up these illicit practices, and has incurred the hatred of these violators of the law to a great extent. There is quite a large class of such persons in Randolph County, and many of them have threatened Mr. Reid's life.

I have the honor to be, very respectfully,

W. H. WHEELER, *Collector.*

Hon. GREEN B. RAUM,
Commissioner Internal Revenue, Washington, D. C.

UNITED STATES INTERNAL REVENUE,
COLLECTOR'S OFFICE, FIFTH DISTRICT NORTH CAROLINA,
Winston, December 23, 1879.

SIR: I have the honor to report that on the 2d instant Deputy Collectors Pinkham, Martin, and Stipe seized two barrels of apple-brandy on the premises of L. B. Hilton, near the city, supposed to be the property of T. W. Kallam; that on the 8th instant Deputy Collector Hinton, in company with with Storekeeper and Gauger John T. Brooks, discovered and destroyed the illicit distillery of Dutch Loves and Richard Graham, in Caswell County; that on the 11th instant Deputies Hinton and Worth captured and destroyed the illicit distillery of "Unknown," in the southern portion of Guilford County. As they approached the front part of the building they were fired upon by parties in ambush; but effected an entrance through the roof from the back part of the building, and succeeded in destroying the property. No casualties.

On the 16th instant I organized a force consisting of Deputy Collectors Worth and Hinton, with ——— as guide, and J. A. Farrington and Henry L. Shore as assistants, to raid that section of my district where Rockingham, Stokes, Guilford, and Forsyth Counties join, known as "Bellew's Creek."

The party left this city on the afternoon of the 16th and reached the objective point at midnight; and between that time and daylight captured and destroyed the illicit distilleries of Elijah Nelson, Joseph Nelson, Alpheus Self, and Joseph Neal. ——— had been for several days previous engaged in locating the distilleries.

On the 19th instant, I dispatched Deputies Martin and Stipe with a guide to the northern part of this county (Forsyth) to capture the illicit distillery of ———Hicks. During their absence they seized one horse, wagon, harness, and one barrel of unstamped brandy, supposed to be the property of Henry S. Toy and George W. Lambeth. Mr. J. A. Farrington remained with the property during the night, and on the morning of the 20th brought it to this city.

After the capture of the above, Deputies Martin and Stipe engaged a colored man as guide, who conducted them to where two barrels of unstamped brandy were hidden under some corn-husks in an old barn, supposed to be the property of George and Sandy Flint. This they seized and brought to this office.

Very respectfully,

W. H. WHEELER, *Collector.*

Hon. GREEN B. RAUM,
Commissioner Internal Revenue, Washington, D. C.

UNITED STATES INTERNAL REVENUE,
COLLECTOR'S OFFICE, FIFTH DISTRICT NORTH CAROLINA,
Winston, January 14, 1880.

SIR: Referring to your letter of the 7th instant, requesting to be informed of the present condition of my district, in regard to illicit distillation, I beg leave to say that there is not to exceed 50 per cent. of illicit distilling done in the district at the present time as compared with one year ago. The county of Stokes is comparatively free from it; Surry County, during the month of December, was thoroughly policed by Deputy Collector B. F. Bynum, jr., which resulted in the capture of five illicit distilleries. There are doubtless a few operating among the mountains adjoining Virginia line; but numerically they are fast diminishing.

Recent reports from Person County lead me to believe there is not an illicit distillery within its boundaries.

Randolph County is a source of greater trouble and annoyance than all other counties in my district. On the 5th instant I dispatched a raiding force to that county under charge of the general deputy, to aid the division deputy in thoroughly canvassing the county. Up to the present time I have not received any report as to what they have accomplished.

The principal points (and only ones that I am informed of) where illicit distillation is carried on are Randolph County, that portion of Surry County adjoining the Virginia line, at a point where Guilford, Rockingham, Stokes, and Forsyth Counties join, known as Bellew's Creek, and along County Line Creek in Caswell County. They are all of minor importance as compared with Randolph County, from which I hope to be able to make a favorable report in a few days.

In but few instances is there actual violence used to the enforcement of the laws; yet they are only deterred from it by the presence of superior or equal numbers and a superior quality of arms. The sympathies of the communities where illicit distillation exists are, and will be for a long period to come, with the blockaders.

As a general rule they are a class of poor whites, who eke out an existence by hunting among the mountains and trafficking in blockade whisky, a people not susceptible to any influences except force and pure cussedness.

Prominent business men in this community (which is the seat of education in this State) do not hesitate to testify in open court that they do not consider "blockading" disreputable, and one of the judges of the State court in this district lately charged the grand jury that revenue officers were not entitled to respect or protection; that they were guilty of nearly every crime known to the calendar, &c. Under such teachings, I am surprised at the progress made during the past year by these people, in obeying and respecting the authority of the general government.

Very respectfully,

W. H. WHEELER, *Collector.*

Hon. G. B. RAUM,
Commissioner Internal Revenue, Washington, D. C.

SIXTH DISTRICT OF NORTH CAROLINA.

Synopsis of correspondence.

1876.

Dec. 21. Commissioner of Internal Revenue to Collector Mott, urging him to take immediate measures to suppress frauds in spirits and tobacco in his district; blockading must be stopped.

1877.

Feb. 9. Telegram from Revenue Agent Wagner. Armed men attack the court where a distiller is being tried in Henderson County. Deputy marshal fatally wounded; also distiller.

April 18. Letter from Commissioner of Internal Revenue to Collector Mott, relative to suits against Revenue Agent Wagner in State courts.

April 22. Letter from Revenue Agent Wagner, giving particulars of suit against him in the State courts for acts performed by him in enforcing the laws of the United States.

April 23. Letter from Collector Mott. Suits against internal-revenue officers in the State courts. Action of State judges. Popular feeling against revenue officers.

June 16. Letter from Commissioner of Internal Revenue to Collector Mott, announcing the policy of the office with reference to the suppression of frauds which have become so flagrant in certain districts. A portion of the appropriation for collectors to be specially devoted to this purpose.

Oct. 8. Letter from Collector Mott. Encounter with illicit distillers on South Mountain; continuous firing as the officers retreat down the mountains with their prisoners; met at every turn of the narrow road with volleys; all the officers wounded, and one of them seriously.

Dec. 10. Letter from Collector Mott, asking for arms and ammunition to properly arm his deputies.

Dec. 22. Letter from Commissioner of Internal Revenue to Collector Mott. Active measures against illicit distillers urged.

Dec. 30. Letter from Collector Mott. Indictment of the officers engaged in suppressing illicit distilling on South Mountains by the State court; organized resistance to laws in the vicinity referred to; regular picket lines kept up; determined attacks on the lives of officers.

1878.

Mar. 13. Letter from Commissioner of Internal Revenue to Collector Mott, urging no relaxation of efforts to suppress illicit distilling in his district.

April 9. Letter from Commissioner of Internal Revenue to Collector Mott. Suspension of judgment approved with regard to an illicit distiller who has become a lawful distiller.

May 22. Telegram from Commissioner of Internal Revenue to Collector Mott, announcing the determination of the government to protect its officers with every means at its hands against unjust prosecutions, trumped up for the purpose of deterring them from enforcing the laws.

June 17. Letter from Collector Mott. Firing upon a party engaged in searching for illicit distilleries in the Brushy Mountain. Outrageous assault upon one Ramsey for supposed reporting of illicit distillers. Dangers of law-abiding citizens reporting violations of law. Officers of courts vieing with each other in the persecution of revenue officers.

July 5. Letter from Collector Mott. Operations against illicit distilleries in his district. Attack upon a party of officers by sixty men, and attempt to rescue a prisoner.

Oct. 25. Telegram from Commissioner of Internal Revenue to Collector Mott. Amnesty granted illicit distillers who plead guilty.

Oct. 26. Letter from Commissioner of Internal Revenue to Collector Mott explaining policy of the office as regards amnesty. No relaxation of efforts in prosecuting the work of suppression. All future offenses to be prosecuted to the extent of the law.

1879.

Jan. 31. Letter from Collector Mott. Condition of affairs in his district. Increase of legal distilleries. Necessity for continued work to prevent illicit distillers getting the upper hand. Improved state of public sentiment.

Apr. 12. Letter from Collector Mott. One Owens, a notorious outlaw, and a gang of armed men come into Rutherfordton, N. C., for the purpose of attacking the jail and releasing a number of illicit distillers, but fail in their undertaking.

Apr. 18. Letter from W. H. Chapman, revenue agent, detailing outrages committed upon guides and employés of the internal-revenue service in the sixth district, North Carolina.

Dec. 10. Letter from Collector Mott. Burning of a deputy collector's barn, outbuilding, &c., and firing of his dwelling in the dead hours of the night in consequence of his activity against illicit distillers.

1880.

Jan. 16. Letter from Collector Mott showing present condition of affairs in his district with reference to illicit distilling.

TREASURY DEPARTMENT,
OFFICE OF INTERNAL REVENUE,
December 21, 1876.

SIR: I desire you to take immediate steps to break up the illicit business in the production and sale of tobacco and spirits in your district. Frauds against the revenue in North Carolina have become so open and notorious that a strong feeling prevails at this office that these frauds could not exist and continue without the acquiescence of local officers.

I desire you to look over your list of deputy collectors, and if you have any men who are not thoroughly honest and efficient, to dismiss them at once, and replace them by persons who are.

The collectors and their deputies will be held responsible for breaking up all fraudulent practices in their respective districts.

Revenue-Agent Wagner will be directed to call upon you and consult with you, and, as far as may be, aid you in breaking up these frauds.

You must have deputies who will thoroughly police their divisions, and who will regularly visit tobacco factories and distilleries to see that everything is going on according to law. *Blockading must be stopped.* There is no reason why the manufacturers of your State shall not pay taxes on their products just like manufacturers of other sections of the country. The taxes are paid by consumers in the end.

I wish you to give this matter your active and energetic supervision.

Very respectfully,

GREEN B. RAUM,
Commissioner.

J. J. MOTT, Esq.,
Collector, Statesville, N. C.

[Telegram.]

GREENSBOROUGH, N. C., *February* 9, 1877.

Hon. GREEN B. RAUM,
Commissioner Internal Revenue:

SIR: District Attorney Lusk writes Marshal Douglass that at a trial of a distiller before Commissioner Morris, in Henderson County, North Carolina, on the 3d, twenty armed men attacked the court, fatally wounding Harkins, deputy marshal. Other officers escaped. Distiller fatally wounded. Am executing your orders rapidly as possible.

JACOB WAGNER,
Revenue Agent.

TREASURY DEPARTMENT,
OFFICE OF INTERNAL REVENUE,
Washington, April 18, 1877.

SIR: It is reported at this office that cumulative suits are being brought against Revenue-Agent Wagner and his employés by persons who have been arrested for illicit distillation. It is believed that these proceedings are instituted for the purpose of deterring officers from discharging their duties, and in order to intimidate them from appearing as witnesses against violators of the internal-revenue laws.

I desire to assure you that the whole power of the government will be invoked to sustain and support all officers of the internal revenue in the proper and faithful discharge of their duties, and I trust that none of the officers will be deterred from a fearless performance of official duty by threats of prosecution. I wish you to see that the proceedings against the illicit distillers and tobacco manufacturers in your district who have been complained of for violations of law are rigorously prosecuted.

This office has great confidence in Major Wagner, and is satisfied that he has done no act in the prosecution of his work that will not be justified by a proper application of the rules of law.

Respectfully,

GREEN B. RAUM,
Commissioner.

J. J. MOTT, Esq.,
Collector, Sixth District, Statesville, N. C.

UNITED STATES INTERNAL REVENUE,
Greenville, S. C., April 22, 1877.

SIR: On the 14th instant I was arraigned before A. P. Eckels, justice of the peace of Greensborough N. C., together with George Cronenberger and Chas. Clark, deputy U. S. marshals, and John Wagner, C. A. Kile, Chas. McCormick, James Foster, Wm. H. McCormick, and Henry Clark, men employed by me to assist me in a raid on illicit distillers in Randolph County, North Carolina, on the 21st of December last, on a warrant issued on oath of R. H. Kennett, one of three men whom we chanced to pick up with a quantity of illicit whisky in their possession, which they were removing in a wagon. The warrant charged us with "assault and battery and false imprisonment," and after a hearing we were held in a total sum of $1,900 bail for our appearance at Guilford County superior court, in September next. I made the bail for myself and men, while the deputy marshals provided their own.

The facts constituting the basis of this action are as follows:

We were proceeding to the distilleries in Randolph County on the night named, when, about ten o'clock, we met Thomas Kirkman, R. H. Kennett, and Robert Hannah, with a wagon containing a barrel with 9½ gallons of whisky. Satisfying ourselves that it was illicit, I took charge of the team and whisky, and the marshals took the men. There were no warrants for their arrest issued until next day, when, immediately on our return to Greensborough, they were taken before a commissioner, the nearest from the point where they were arrested.

The party divided during the night, and the marshals handcuffed the prisoners to prevent their escape. The evidence on which we were bound over by the justice of the peace was that of R. H. Kennett, a full statement of which I herewith inclose.

I respectfully request a careful perusal of this testimony, which shows that the parties were caught in the act.

I respectfully submit that, under the statutes of the United States, marshals and their deputies have the powers of sheriffs in the States where they are appointed and act, and that as sheriffs may arrest persons found committing violations of law, even of the grade of misdemeanors, without warrants, so I hold that United States marshals may arrest persons caught committing the offense these parties were engaged in. In support of this I have the opinion of Judge Hugh L. Bond, District Attorneys Lusk and Ball, and the ruling of Judges A. H. Rives and George S. Bryan.

I also respectfully request that the United States district attorney for the western district of North Carolina may be instructed to defend me and all the persons above named in this suit, after having the same removed to the United States circuit court.

Very respectfully,

JACOB WAGNER,
Revenue Agent.

HON. GREEN B. RAUM,
Commissioner Internal Revenue, Washington, D. C.

UNITED STATES INTERNAL REVENUE,
COLLECTOR'S OFFICE, SIXTH DISTRICT NORTH CAROLINA,
Statesville, April 23, 1877.

SIR: I have the honor to acknowledge the receipt of your letter of the 18th instant relative to suits which are being brought against Revenue Agent Wagner, and stating that "it is believed that these proceedings are instituted for the purpose of deterring officers from discharging their duties and to intimidate them from appearing as witnesses against violators of the internal-revenue laws."

The opinion of the department is, to the best of my knowledge, correct, and the action of the judges of the superior courts in this State is calculated to uphold and encourage illicit distillers, &c., and to create *armed* resistance to the operations of my officers, under the law and your instructions.

Additional encouragement is spread broadcast before the offenders against the revenue laws by the newspapers in the State, extracts from which I have the honor to inclose herewith.

The provisions of section 643, Revised Statutes, are declared unconstitutional, and are totally disregarded. The officers of internal revenue concerned in these cases, and who have been indicted in the State courts, are rendered liable to arrest and imprisonment, *without recourse*, and if fortunate enough to obtain temporary bail (acceptable to the prosecutors) they are put to unusual and extraordinary expenses, for which no provision is made, and which is not reimbursed to them, thus causing heavy expenditures (for them) from their already slender pay.

Under these circumstances my officers express a disinclination to proceed with the operations instituted against illegal operators unless some provision is made for their protection, and I recommend that a provision be made by the department for the payment of all fees (for counsel, &c.) in all cases of this character, which are now or may hereafter be brought before the State courts in this district against officers of internal revenue.

I may add that seven of my officers are now under indictment for similar causes, and that it has been only by the greatest exertion on my part, and by the expenditure of a considerable amount for counsel fees, &c., that they *are now out of prison*, on bail.

I may add that, because of the *popular* feeling against the revenue, it is extremely difficult to obtain the services of any reliable attorney in our behalf. I succeeded in the cases now on hand *only* by payment of "retainers" of unusual amount, supplemented with promises of further compensation.

I beg your early consideration of and reply to this letter.

Very respectfully,

J. J. MOTT, *Collector.*

HON. GREEN B. BAUM,
Commissioner Internal Revenue, Washington, D. C.

TREASURY DEPARTMENT,
OFFICE OF INTERNAL REVENUE,
Washington, June 16, 1877.

SIR: For a number of years the illicit manufacture and sale of spirits and tobacco have been carried on in certain districts throughout the United States, in many instances in open defiance of the officers of internal revenue, so that the ordinary arrangements for the collection of internal-revenue taxes have been insufficient for the suppression of these frauds. I have determined that the next fiscal year shall be signalized by the suppression of these frauds, and to that end, in recommending allowances for collectors for the fiscal year commencing July 1, 1877, I have reserved a sum of money to be especially devoted to the employment of additional deputy collectors from time to time to aid the regular force in the work above alluded to. It is not proposed to keep this extra force of deputies continuously employed, but to employ them at proper times to assist policing the infested portions of the district, so that the men engaged in the frauds will become satisfied that their occupation is too dangerous to be persisted in, and that in consequence they will abandon their unlawful business. I expect collectors in the infested districts to act with great energy and determination for the suppression of these frauds, and, in the selection of deputies for the work to secure the services of men of integrity, sobriety, and courage.

It is expected that the operations against those who are engaged in the illicit manufacture and sale of spirits and tobacco shall be conducted in an orderly and legal manner, so as to challenge the respect of well-meaning people, but with a vigor, determination, and persistency that will convince wrong-doers that it is the intention of the government to break up their unlawful operations.

It is well known that numerous persons are now engaged in the illicit manufacture and sale of spirits in your district, and I desire that you shall take immediate steps to suppress the same with a strong hand, and for that purpose you will please forward your application for allowance for deputy collectors for your district, stating the number of deputies required, the period of time for which their services will be needed, and the amount of pay, including horse-hire and traveling expenses, that shall be allowed them. It is important that suitable arrangements should be made for cooperation by the United States marshal for your district, so that the arrest of distillers can be effected at the time of the seizure of the stills.

Prompt action is desired in this matter. Please acknowledge the receipt of this letter.

Very respectfully,

GREEN B. RAUM,
Commissioner.

JOHN J. MOTT, Esq.,
Collector Sixth District, Statesville, N. C.

UNITED STATES INTERNAL REVENUE,
COLLECTOR'S OFFICE, SIXTH DISTRICT NORTH CAROLINA,
Statesville, October 8, 1877.

SIR: I have the honor to submit the following report relative to a raid recently made in Burke County, in my district:

Deputy Collector A. B. Gillespie, accompanied by Deputy Marshals Patterson and McDowell and two assistants (five in all), started from Morgantown on the evening of October 1, intending to make a seizure of stills and whisky, illicit, reported to Deputy Gillespie.

The names of the distillers, as reported, were James York, Nicholas York, and Harvey York; and the location in South Mountains, about 16 miles from Morgantown.

Arriving early on October 2 a. m., they found three distilleries operating illicitly; at one of them the still had been removed recently (fire was still under the furnace).

The two stills, with caps and worms complete, were brought to Morgantown. Search in the vicinity discovered about 60 gallons of whisky and two barrels of brandy, all unstamped. The whisky was destroyed for want of transportation; but the brandy was safely brought to Morgantown.

Two persons were found in the still-house, situated on James York's plantation, and supposed to belong to Nicholas York. The persons were arrested and brought to Morgantown and confined in jail to await action by the United States commissioner. Their names are Nicholas York and Alfred Hoyle. They were working in the still-house when arrested.

While searching in the vicinity fire was suddenly opened upon the United States officers by persons concealed in the bushes and behind trees and rocks. The number of assailants is estimated to be twelve. They were all armed with long rifles. The officers retreated with their prisoners and captured property down the mountain; being met at every turn of the narrow and rough road by the attacking party, who, out of sight and range of the officers' pistols, kept up a persistent fire. From about 8 a. m. October 2 until 12 m. the firing upon the officers was kept up.

All of the officers except one were hit with the bullets, and Deputy Collector Gillespie was seriously wounded. A bullet entered his right shoulder, penetrating backward and toward his left side as far as the backbone. He is now at Morgantown under medical treatment. The ball has not been extracted.

The horse ridden by McDowell, a fine animal, and belonging to him, was killed early in the day, and the one belonging to Patterson was severely wounded. The party arrived at Morgantown on their return about 7 p. m. October 2.

The locality raided by Mr. Gillespie and his companions is notoriously a dangerous one, and the inhabitants are unscrupulous desperadoes; all interested in illicit distilling. They band together, as in this case, for mutual protection against and resistance to revenue officers and the laws.

Previous to this occurrence United States soldiers have been shot at and wounded, and in one instance killed.

In a neighboring township these same officers, while in the performance of their duty, were, about two weeks ago, shot at from behind shelter.

I would suggest that prompt and vigorous measures be at once taken to suppress illicit distilling in this section, and to bring the offenders in this case to justice. They can be identified.

Very respectfully,

J. J. MOTT, *Collector.*

Hon. GREEN B. RAUM,
Commissioner Internal Revenue, Washington, D. C.

UNITED STATES INTERNAL REVENUE,
COLLECTOR'S OFFICE, SIXTH DISTRICT NORTH CAROLINA,
Statesville, December 10, 1877.

SIR: I have the honor to state that, in my opinion, the efficiency of my deputies (special force) will be greatly increased to have them properly armed.

I therefore make requisition for ten repeating carbines and a sufficient quantity of cartridges, and request that they may be forwarded to this office as soon as possible.

Very respectfully,

J. J. MOTT, *Collector.*

Hon. G. B. RAUM,
Commissioner Internal Revenue, Washington, D. C.

TREASURY DEPARTMENT,
OFFICE INTERNAL REVENUE,
December 22, 1877.

SIR: I desire to call your attention to the importance of vigorous action on the part of all revenue officers for the suppression of illicit distillation.

I am gratified at the zeal heretofore manifested by you in this direction and with the results attained in your district. The season has arrived when illicit distillers are usually the most active. I trust that you will take such prompt and active measures to break up this illicit traffic as will give the offenders to understand that the laws for the suppression of illicit distillation are to be enforced and all violators thereof brought to punishment. I am satisfied that such action will have the effect to deter many old offenders from engaging in their former unlawful business, and thus save the government much trouble and expense.

Your allowance for six special deputy collectors continues to the 15th proximo. I trust that you will use them to the best advantage during the intervening time, and that at the expiration of that period you will have accomplished a good deal. You have also a considerable amount to your credit from the allowance made you for the employment of guides, &c. With this force I think you should be able to break up illicit distillation in your district.

No definite reports as to the result of your operations for the suppression of illicit distillation have been received for some time, and I am unable to judge what you have accomplished by the aid of your special deputies. I have to request that you will report somewhat in detail to this office at an early day what you have already done and are now doing for the suppression of the frauds above referred to, stating also the general condition of your district in repect to illicit distillation.

Respectfully,

GREEN B. RAUM,
Commissioner.

J. J. MOTT, Esq.,
Collector Internal Revenue, Statesville, N. C.

UNITED STATES INTERNAL REVENUE,
COLLECTOR'S OFFICE, SIXTH DISTRICT NORTH CAROLINA,
Statesville, December 30, 1877.

SIR: I have the honor to give you the following information in regard to the recent cases of the indictment of my officers in Burke County court, this State.

The defendants, six in number, were indicted for assault and battery and false imprisonment in four cases, by one Oates, workman, and York. The bill of indictment was found at fall term 1877, and on the grand jury were near relations of those on whom the offense is alleged to have been committed.

The scene of the offense is South Mountains, in Burke County, North Carolina, where there has heretofore been much armed resistance to the enforcement of the revenue laws, and where even United States soldiers have more than once been fired upon.

On the 2d of October, 1877, the defendants went to the locality for the purpose of suppressing the unlawful distillation of spirits. At a certain notorious point they found 25 hogsheads of beer, a hogshead of singlings, and a still in full operation. They also found a brandy still in operation. Both still-houses were pierced for the use of guns in their defense, and guns *loaded* were found in both.

At a house near the distillery they arrested a person whom they suspected of being connected with the violations of the law, and two others in the still-houses. While employed in the discharge of their duties, in destroying the beer and removing the stills, the defendants were fired on from the bushes with rifles, the persons shooting being from one to two hundred yards off. As many as four shots were fired before the fire was returned. The persons thus concealed then continued to fire until as many as forty shots were fired.

The defendants were armed with small (3 and 4 inch barrel) revolvers. All of the defendants were struck, one (Gillespie) was severely wounded in the shoulder, one received a bullet in his hat, and one horse was killed. The firing continued for four hours at intervals, the defendants being followed from the still-houses until they were out of the suspected and rebellious vicinity. They were only saved by keeping the prisoners in a line close to themselves.

None of the persons who were firing on the defendants were struck. The indictment is procured in the State court against these officers for the purpose of compelling the officers of the government to desist in the prosecution of the offenders. Of course there is not the "ghost of a chance" for the defendants in the State courts; therefore steps were taken to remove the cases.

It is positively certain that a regular and organized system of illicit distillation is carried on in the vicinity referred to above, and for its protection regular picket lines are kept up, and no revenue officer can go into the vicinity without certain and determined attacks being made on his life. The court at Morgantown (State court) refused to allow a transfer of these cases, which caused me much trouble, as I determined to use every legitimate means to remove them, and had to resort to *habeas corpus*, which necessitated the employing of additional counsel here before the United States court.

Very respectfully,

J. J. MOTT, *Collector.*

Hon. G. B. RAUM,
Commissioner Internal Revenue, Washington, D. C.

TREASURY DEPARTMENT,
OFFICE INTERNAL REVENUE,
April 9, 1878.

SIR: Hon. W. M. Robbins has referred to this office the petition of William A. McGlainey and fifteen others, addressed to the President, asking that T. Marshal McNeill, of Wilkes County, for whom it is alleged a warrant has been issued upon a charge of illicit distilling, be pardoned. It is asserted that Mr. McNeill has abandoned his violations of law, and is now engaged with McNeill, Hays & Co., as a lawful distiller. If this is true, I would be willing to dispose of the charge against him by suspending the judgment of the court upon his pleading guilty to the charge, thus placing him upon his good behavior.

You will please consult with the district attorney upon this subject, and take such action in the matter as will be just and proper under the circumstances.

Very respectfully,

GREEN B. RAUM,
Commissioner.

J. J. MOTT, Esq.,
Collector, Statesville, N. C.

TREASURY DEPARTMENT,
OFFICE OF INTERNAL REVENUE,
Washington, March 13, 1878.

SIR: I desire that you would, as early as practicable, inform this office of the condition of your district in regard to illicit distillation, and what further means, if any, are necessary to effectually suppress these frauds and secure the arrest and punishment of the violators of the law in this respect.

I am aware that, during the past winter, you have accomplished much, but to secure the greatest benefit to the government in this work, and to render the results permanent, there should be no relaxation of effort while you have reason to believe that a still is being illicitly operated in your district.

With a view to continuing operations in this direction, I have to request that you will, in your report of the condition of your district, embrace a statement of the expenditures that will probably be necessary for you to make during the next three months, for information leading to the discovery of stills, employment of guides, &c. This allowance is to be regarded as exclusive of the amount allowed you for the employment of special deputy collectors.

Respectfully,

GREEN B. RAUM,
Commissioner.

J. J. MOTT, Esq.,
Collector Internal Revenue, Statesville, N. C.

[Telegram.]

TREASURY DEPARTMENT,
OFFICE OF INTERNAL REVENUE,
May 22, 1878.

If you deem it advisable to have assistant counsel for the defense of Gillespie, the Pattersons, and McDowells, consult with the district attorney and employ one or more

prominent lawyers. The Attorney-General is absent from the city, but I will undertake to see that the assistant counsel are properly remunerated for their services. It is the determination of the government to protect its officers with every means at its hands against unjust prosecutions trumped up for the purpose of deterring them from enforcing the laws.

GREEN B. RAUM,
Commissioner.

J. J. MOTT,
Collector, Statesville, N. C.

UNITED STATES INTERNAL REVENUE,
COLLECTOR'S OFFICE, SIXTH DISTRICT NORTH CAROLINA,
Statesville, June 17, 1878.

SIR: I have the honor to report that on the 11th instant, Special Deputy Lillington, with two others (one a guide), were in a part of the Brushy Mountains, in this district, about 30 miles distant from this office, searching for illicit distilleries, when, without the slightest warning, they were fired upon by persons concealed.

The number of the assailants being unknown, and the nature of the locality being such as to preclude all possibility of detecting or successfully resisting them with the small force at his command, Deputy Lillington retreated to the main road, which was about a mile distant. During their retreat the firing was continued; and, although the bullets cut the trees and struck in the ground around the deputies, neither of them was injured.

This assault was committed in the neighborhood where, on March 19, 1878, a distillery belonging to Berry Estep and J. F. Parlier was cut up by my deputies (report on Form 117, rendered March 19, 1878), and L. F. Parlier (son of J. F.) is reported as being connected with the gang who were concerned in the shooting. Evidence is being worked up to connect him therewith.

In this connection, and to demonstrate in some degree the lawlessness which exists in certain portions of this district, as in connection with illicit distilleries, I have to inform you that I am, this day, in receipt of a report, bearing date June 15, from Deputy Collector Bryan, at Morgantown, who states as follows:

"Old man Ramsey, of South Mountains, was here yesterday, and a fellow from Brindletown knocked him down with a rock and then stamped him in the face.

"These fellows accuse Ramsey of reporting them. They killed his horse some weeks past; Ramsey then borrowed a mule from Amos Huffman to tend his crop, and last Tuesday night they shot the mule dead in Ramsey's stable; and my opinion is they will kill Ramsey if he remains in that section long. * * *

"There are a good many illicit distilleries in operation in these mountains, but everybody is afraid to tell on these fellows for fear they get the fate of Ramsey. I am trying to 'spot' them, and if I can 'get the dots on them' I will report the same at once. * * *

"The very devil is in these outlaws, and they will be very hard to tame."

I am doing my best to exterminate this evil in my district, but, to quote the words of Deputy Bryan, "the very devil is in them," &c.

When a law-abiding citizen makes any report which leads to the detection or arrest of any of these "outlaws," if it becomes known, he is persecuted in every imaginable way, as in the case of "Ramsey."

Such things have been happening here all along, but I have refrained from reporting all of them, because I disliked to advertise the community so much, and hoped that such conduct would cease.

I shall give it all in future to you and to such of the press of the State as will publish it, particularly as there is no abatement of this malicious enmity toward officers of the revenue on the part of many of these people and their friends, and also because the Congress of the United States seems about to be influenced by them to refuse to officers of the revenue the trial of their causes in the United States courts, when it is well known that these officers cannot get justice in the State courts, where the officers of the State courts *vie* with each other in their persecutions of revenue men, and make such persecutions a means of keeping themselves in office and exalting themselves before the people.

Very respectfully,

J. J. MOTT, *Collector.*

Hon. G. B. RAUM,
Commissioner Internal Revenue, Washington, D. C.

UNITED STATES INTERNAL REVENUE,
COLLECTOR'S OFFICE, SIXTH DISTRICT NORTH CAROLINA,
Statesville, July 5, 1878.

SIR: I have the honor to report that during May and June, 1878, the force of special deputies has been actively engaged in the suppression of illicit distillation of spirits in this district; mainly operating in the counties of Yadkin, Wilkes, Upper Iredell, Alexander, Catawba, Gaston, McDowell, Rutherford, Polk, Henderson, and Transylvania.

During May they traveled about 650 miles, and during June 600 miles, visiting and destroying 69 illicit distilleries.

There were destroyed during these months 36 copper stills and fixtures; 704 stands of beer or mash, averaging 100 gallons each, being 70,400 gallons beer or mash; 153 empty stands; 40 bushels meal or malt; 1,080 gallons singlings; 85 gallons whisky.

More stills would have been destroyed had it not been for the habit which the illicit distillers, in their fear of surprises by the deputies, have been practicing—of taking out their stills during the time used in mashing and fermenting, and replacing them for short and indefinite periods for "running off" singlings or whisky.

Distilleries would be found filled with mash or beer, but from which the still had been removed. Evidence has been obtained which warranted the issuance by the several United States commissioners of warrants for the arrest of many of the parties concerned in the operation of the illicit distilleries destroyed.

Resistance was attempted in several cases, but no one was injured.

On June 15 the force surrounded and captured five prisoners; four of whom were released on bail, and the fifth one, Thomas Beasley, a partner of the notorious Redman, and who was by him released from Pickens (S. C.) jail, was turned over to the custody of Special Deputy Huffman and a squad from South Carolina.

A letter since received from Huffman gives the information that shortly after his departure for South Carolina with the prisoner his command was attacked by about 60 men with intent to rescue Beasley, who, however, was closely and safely guarded to jail again.

The force is now operating in South Mountains, in Burke County, with success.

During the latter part of June two members of the force were taken seriously and suddenly ill, overcome with heat, fatigue, and exposure. A few days of rest for the men, and greatly needed by their horses, were taken before proceeding to Burke.

Very respectfully,

J. J. MOTT, *Collector.*

Hon. G. B. RAUM,
Commissioner Internal Revenue, Washington, D. C.

[Telegram.]

TREASURY DEPARTMENT,
OFFICE OF INTERNAL REVENUE,
Washington, October 25, 1878.

J. J. MOTT,
Collector, Statesville, N. C.:

The Attorney-General, upon the recommendation of this office, telegraphs District-Attorney Lusk this day to allow persons guilty of violation of internal-revenue laws, in regard to distilled spirits, to plead guilty, sentence to be suspended upon payment of costs, and not to be moved for except in case of future violation. This is not to apply to persons who have been guilty of forcibly resisting internal-revenue officers.

H. C. ROGERS,
Acting Commissioner.

TREASURY DEPARTMENT,
OFFICE OF INTERNAL REVENUE,
October 26, 1878.

SIR: Referring to telegram sent yesterday informing you that the Attorney-General had instructed United States Attorney Lusk to consent to the suspension of sentence in cases pending against persons in your district for violations of internal-revenue law in connection with distilled spirits, I have to inform you that it is not the intention of the government to relax its efforts in prosecuting its work for the suppression of the production of and traffic in illicit spirits in your district, and I desire that you now press your operations with increased vigor, and that you reorganize your force of special deputy collectors and thoroughly police your whole district.

I think your force is ample for this purpose; if, however, you need any further means advise this office immediately.

It is hoped and expected that the indulgence granted by the government to illicit distillers for past offenses will have a salutary effect in your district, but do not let the forbearance of the government to prosecute offenders for the past be misunderstood. Hereafter, persons who engage in illicit distilling will be prosecuted to the extent of the law.

I have directed Revenue Agent Chapman to confer and co-operate with you, and trust that you will at once enter with renewed vigor, if possible, upon the work of entirely eradicating from your district the evil of illicit distilling. I will strengthen you in every way possible.

Please report to this office your plans and arrangements for the future and I will be glad to have you inform me what effect the amnesty granted seems to produce in your part of the State.

Respectfully,

H. C. ROGERS,
Acting Commissioner.

J. J. MOTT, Esq.,
Collector Internal Revenue, Statesville, N. C.

UNITED STATES INTERNAL REVENUE,
COLLECTOR'S OFFICE, SIXTH DISTRICT NORTH CAROLINA,
Statesville, January 31, 1879.

SIR: I have the honor to call your attention to the necessity for prompt action in the matter of the retention of the force of special deputies in my district, and the continuance of the allowance for the "detection and prevention of frauds, &c."

The operations of the special deputies during the past year, aided by the "allowance" heretofore made, have resulted, as may be seen by the reports rendered, from time to time, to your office, in suppressing, to a great extent, illicit distillation in this district, and in a great increase in the number of legally operated distilleries.

On January 1, 1878, there were, on the records in this district, 22 grain distilleries in operation, and 26 grain distilleries under suspension and in charge of general storekeepers, being a total of 48. To-day these same records show 98 distilleries in operation, and 18 in charge of general storekeepers, which, with 39 whose papers are ready, and who are awaiting qualification of storekeepers for assignment, make a total of 155 legal grain distilleries in the district; an increase of 107 distilleries in the past year. This increase has been mainly since September, 1878, and, I think, most conclusively demonstrates the value and effectual working of the special force in suppressing the illicit operations; and, by constant and continual supervision, forcing them to run regularly, or not at all.

The partial withdrawal of the force, on January 1, made necessary by the want of funds, has become, to some extent, known, notwithstanding my efforts to "keep up appearances," and the bad effects are already felt. Those who have been "kept under" are already growing bolder and defiant; and, I am, within the past two weeks, in receipt of advices from sections of the district, from which I would conclude that if we once "let up" on these violators of the law, their lawlessness will be renewed, probably with as much force and vigor as ever; though they will not receive the aid and comfort, in the shape of public opinion, that has been afforded them heretofore.

There is a strong feeling now, on the part of the better classes of society, in favor of enforcing the revenue laws; and a large number of this class are now engaged in legal distillation, and prefer to be as long as the law is enforced, and gives them a fair chance in the trade.

If this chance is not afforded, they cannot, of course, compete with the illicit dealers, and will naturally fall away again into the old channels; for they *will* make whisky one way or the other.

We will lose, in a short time, nearly all the good effect of what has been done in the last twelve or fifteen months, if this force of deputies is withdrawn.

I would earnestly recommend that every effort be made towards the reorganization of it, that it may continue its operations at as early a date as possible.

Very respectfully,

J. J. MOTT, *Collector.*

Hon. G. B. RAUM,
Commissioner of Internal Revenue, Washington, D. C.

UNITED STATES INTERNAL REVENUE,
COLLECTOR'S OFFICE, SIXTH DISTRICT NORTH CAROLINA,
Statesville, April 12, 1879.

SIR: I have the honor to inform you that I am in receipt of a report from Deputy Collector Lillington, at Rutherfordton, informing me of the arrest and commitment to jail of certain men for violations of the internal-revenue laws. On the night of the 9th instant one Owens, a notorious outlaw, and a gang of armed men came into town to attack the jail and release the prisoners. They failed in their undertaking, but information is obtained that they will make further efforts. Deputy Lillington, assisted by some citizens, have been and are still guarding the jail.

United States Commissioner Wilson was forced by Owens at his (Wilson's) house to take him (Owens) as surety on the bond, and to sign an order to the sheriff for the prisoners' release. Lillington, knowing the circumstances, opposed the order and prevented the escape. Wilson said "he knew the bond (?) was worthless, but he took it and gave the order in fear of his life."

I have directed Lillington to employ force to guard the jail and arrest Owens.

I have to request that you authorize payment of all necessary expenditures to persons employed in this matter.

Very respectfully,

J. J. MOTT, *Collector.*

Hon. G. B. RAUM,
Commissioner of Internal Revenue, Washington, D. C.

UNITED STATES INTERNAL REVENUE,
Alexandria, Va., April 18, 1879.

SIR: I would respectfully commend to your favorable notice the services of most of the men who have been employed in the special service in the sixth North Carolina district. Although they were aware of the difficulties in the way of obtaining pay for their services during the months of January and February, they were ready at any time to respond to the call of the collector or myself, and often performed services which were disagreeable to themselves and endangered both person and property. For instance, to bear out my statement, I refer to the burning of A. M. Anderson's house on the 31st March, six miles from Rocky Creek, in Brushy Mountain, near Hunting Creek post-office. He lives in a section which had been notorious for illicit distilling, and has been both active and useful in breaking it up. The house was fired by an incendiary at night, during his absence, and believed to be instigated by illicit distillers. During the month of January, a man named Yeague, in Alexander County, who had been active in the same way, was dragged from his house at night and severely beaten by six disguised men; and B. F. Yedder, who has made himself obnoxious to the illicit distillers in his section by working with Special Deputy Bryan since last December, was informed that a bullet fired at one Johnson while riding alone through the Brushy Mountain which cut his hat band, was intended for him. If they had not good reason to believe that the government would stand by its officers who honestly and faithfully perform their duties, these things would occur more frequently.

Very respectfully,

W. H. CHAPMAN,
Revenue Agent.

Hon. GREEN B. RAUM,
Commissioner of Internal Revenue.

UNITED STATES INTERNAL REVENUE,
COLLECTOR'S OFFICE, SIXTH DISTRICT NORTH CAROLINA,
Statesville, December 10, 1879.

SIR: I have the honor to report receipt this day of a communication dated 8th instant, from Special Deputy A. C. Bryan, whereby I am informed of the burning of his barn, outbuildings, &c., and their contents (wagons, harness, grain, feed, &c.), and an attempt to burn the dwelling-house.

Mr. Bryan is, and has been since the formation of the force, one of the most active and efficient of my "specials." I placed him in charge of the force, and he has continued in the position, showing himself to be intelligent, sober, industrious, and worthy of my confidence. His operations (as have those of all the special force) have had the effect of gaining for him and them much notoriety among the "blockaders," and "threats of vengeance" have been freely made by them.

The burning of Mr. Bryan's property is but the consummation of threats against him, and the act has been fixed upon two men who are being pursued and who may be captured. I quote from Bryan's letter:

* * * "I fortunately came home last night, and there were two scoundrels came in the dead hours of the night and fired my barn and burned all my feed, buggy, harness, and everything there; they also fired my dwelling, but I fortunately waked up and succeeded in saving my house. * * * I cut down their (referring to the incendiaries) distillery last week, and this is for revenge."

I desire to be informed whether there is any way by which Mr. Bryan can be repaid for his loss in this case, it being clearly caused by his strict performance of his duties as an officer in the internal-revenue service.

Very respectfully,

J. J. MOTT, *Collector.*

Hon. GREEN B. RAUM,
Commissioner of Internal Revenue, Washington, D. C.

UNITED STATES INTERNAL REVENUE,
COLLECTOR'S OFFICE, SIXTH DISTRICT NORTH CAROLINA,
Statesville, January 16, 1880.

SIR: I have the honor to acknowledge receipt of your letter of 7th instant, requesting me to inform you of the present conditon of my district, in regard to illicit distillation, &c.

I reply that illicit distilleries are being operated so far as I may judge from reports made to me, in many of the counties in this district, to a greater or less extent, but to a much less extent than before operations against them by the specially organized force of deputies.

Previous to the existence of this force, every county had illicit distilleries operating, especially Wilkes, Yadkin, Gaston, and Burke; but now, aided by a certain public opinion, and by the operation of distilleries of a small capacity, under bond, the evil has been greatly lessened, and in some parts of the State (notably Gaston County) entirely suppressed.

I am led to this latter conclusion by reports made to me. In Yadkin, Wilkes, and Burke counties, illegal operators are still in force; and they continue, in defiance of all efforts to suppress them, although greatly less than formerly. In Wilkes, Burke, Alleghany, Polk, and Translyvania counties, a disposition has been shown to resist my officers, and threats are still made; but public sentiment and the "press" are in favor of the enforcement of the laws, mainly, and the disposition among the better or educated classes is to uphold us.

Again, referring to Gaston County, the suppression of the illicit stills there is owing to the large number of "government" distilleries in that county. There are near fifty, and all of them operating.

Revenue Agent Kellogg tells me that the "Gaston" distilleries are in good condition.

The old "moonshiners' are nearly all at work under the law, and those who are not are intimidated and kept out by those who are.

Very respectfully,

J. J. MOTT, *Collector.*

Hon. G. B. RAUM,
Commissioner of Internal Revenue, Washington, D. C.

SECOND DISTRICT OF TENNESSEE.

Synopsis of correspondence.

1877.

June 2. Commissioner of Internal Revenue to Collector Cooper, directing collector to push operations against illicit distillers promptly and vigorously.

July 6. Collector Cooper to Commissioner of Internal Revenue. Account of raid upon illicit distilleries in Hancock, Claiborne, Union, and Unicoi Counties. Fight with armed force of illicit distillers in Kettle Hollow.

Oct. 4. Telegram from Revenue Agent Brownlow. Reported shooting of a man named Rains by an illicit distiller named Dol Ray, because Ray believed Rains gave the information which led to his arrest.

1878.

June 17. Telegram from Collector Cooper. A raid on illicit distilleries along the Tennessee and Kentucky line; officers attacked by the distillers and two prisoners rescued; two moonshiners wounded.

June 17. Telegram from Commissioner of Internal Revenue to Collector Cooper, authorizing employment of additional men to aid in the enforcement of laws; co-operate with the marshal in arresting distillers and the rescuers of the prisoners.

Aug. 8. Telegram from Collector Cooper. A small force sent to seize an illicit distillery in Blount County, Tennessee, fired upon and compelled to retire; one member of the raiding party wounded.

Aug. 9. Telegram from Collector Cooper. Party of officers sent to seize an illicit distillery fired upon from ambush and John Cooper (son of collector) mortally wounded.

Aug. 10. Telegram from Collector Cooper, announcing the death of John Cooper (son of the collector), who was murdered in discharge of his duty as a United States officer.

Aug. 26. Telegram from Commissioner of Internal Revenue to Collector Cooper, noting the desperate spirit of resistance manifested by the illicit distillers, and directing the collector to organize parties of sufficient strength to deter resistance and seize every illicit still and arrest every illicit distiller.

Nov. 27. Letter from Deputy Collector Cooper, giving details of raid on illicit distillers in August, where a deputy collector, son of the collector, was shot and mortally wounded.

Nov. 29. Letter from Collector Cooper, inclosing report of his deputy and describing the desperate character of Hutsell Amarine, the murderer of his son.

Dec. 4. Letter from Commissioner of Internal Revenue to Collector Cooper, directing operations against illicit distillers in co-operation with Collector Woodcock.

Dec. 31. Letter from Deputy Collector Cooper, describing a raid on illicit distilleries near the Virginia and Tennessee line; arrest of a number of men with arms in their hands; other evidences of organized armed resistance to the laws.

1879.

April 1. Telegram from Collector Cooper. Revenue force in Hancock County fired upon by a party of nine men; fire promptly returned and attacking party put to flight.

April 29. Letter from Deputy Collector Cooper. Description of seizures of illicit distilleries; force of deputy collectors fired at from ambush near the headwaters of Citico Creek, and Deputy Collector Lindsay severely wounded.

Aug. 18. Letter from Hon. L. C. Houck, M. C., asking that amnesty be extended to violators of the laws in the second district, Tennessee.

Dec. 24. Letter from Hon. A. H. Pettibone, assistant United States attorney, inclosing petition from citizens of Hancock County, asking that amnesty be extended to offenders against the laws in the second Tennessee district, and recommending the same.

Dec. 31. Letter from Hon. A. H. Pettibone, assistant United States attorney, again calling attention to the subject of amnesty, and inclosing letter from Mr. J. S. Green, a citizen of Cocke County.

1880.

Jan. 7. Telegram from Commissioner of Internal Revenue to Xen Wheeler, United States attorney, Knoxville, Tenn., giving views in regard to amnesty.

Jan. 7. Letter from Hon. A. H. Pettibone, assistant United States attorney, Knoxville, Tenn., gives views of Judge Baxter in regard to amnesty.

Jan. 9. Letter from Collector Melton. Present condition of affairs in his district relative to illicit distilling.

Feb. 3. Letter from Xen. Wheeler, United States attorney, Knoxville, Tenn., giving results of amnesty in second district, Tennessee. More than two hundred offenders avail themselves of it.

TREASURY DEPARTMENT,
OFFICE OF INTERNAL REVENUE,
June 2, 1877.

SIR: A special allowance has been made you for the employment of an additional force of special deputy collectors for the purpose of suppressing illicit distilleries in your State. The allowance is so liberal as to enable the persons you employ to mount and subsist themselves.

I desire that, as early as possible, certainly by the 10th instant, you organize a force and immediately move it into the infested districts. Push the work vigorously, and accomplish as much as possible during the present month. I am of the opinion that if you select men of good courage, who are faithful, discreet, and efficient, that during the present month you can deal such a blow to the violators of the internal-revenue laws in your district as will deter them from their unlawful practices for the time being. As this allowance is made only for this month, you will see the necessity of *prompt action*.

I wish you to inform me of the organization of your force for the purposes above indicated, and to advise me when the movement will commence.

Respectfully,

GREEN B. RAUM,
Commissioner.

JOSEPH A. COOPER, Esq.,
Collector Second District, Knoxville, Tenn.

UNITED STATES INTERNAL REVENUE,
COLLECTOR'S OFFICE, SECOND DISTRICT TENNESSEE,
Knoxville, July 6, 1877.

SIR: I herewith submit my report of the raid made into the counties of Hancock, Claiborne, Union, and Unicoi. The marshal furnished me all the necessary assistance in his department. The force was sufficient for all emergencies. Myself with one portion of the command left Knoxville on the 20th day of June, 1877. J. E. Hacker, deputy collector, left Greenville on the 21st, and Deputy Collector R. E. Berry left Taylorsville on the 19th of June. We rendezvoused at Choptac, Hawkins County, on the night of the 21st; marched all night, striking the infested district of Hancock County about daybreak of the 22d, capturing Dal Ray, the ringleader of the violators, as reported, sleeping on his arms, thereby demoralizing the whole force of the violators in Hancock. Captured on the 23d the stills and fixtures of Dol Ray and Bud Raines, with some spirits belonging to Raines. Captured the fixtures of four other distilleries the same day. On the 24th captured the fixtures of five distillers; the still having been removed, destroyed all fixtures belonging to said distilleries, rendezvousing in Sneedville on the evening of the 24th. We arrested in Hancock County the following-named persons: Doll Ray, Bud Raines, Joseph Brooks, Bell, and Anderson—one other by the name of Collins, who of all parties was guilty, but owing to the unsoundness of his mind, as recognized by the State courts, he was discharged. But few men could be found at home, having all fled to the mountains. I found the reports of the women wholly unreliable as regards the locality of the distilleries. Those people cannot be reached by the press, as they are totally illiterate; they are mixed breeds, and have but little regard for civilization.

On the evening of the 25th I divided my force, those from the upper end of the district returning to Greenville, Rogersville, and Taylorsville. The other ten men, with myself, crossed Newman's Ridge and Mulberry Gap, stopping over night with Esquire John Parky, near said gap. On Sunday morning, myself with one man moved in the direction of Tazewell to meet a guide whom I had engaged to point out the direction and localities in Claiborne County, leaving the other nine men to follow at one o'clock in the evening. Met said guide, arranged for supper and horse-feed at Green Parky's, leaving said Parky's at eight o'clock on Sunday night; rode all night, coming upon the distillery of Wily Redmon, in the fifth collection district of Claiborne County, near the Virginia line, at three o'clock in the morning. The distillery had a capacity of about 10 gallons per day. Destroyed the distillery and all the fixtures, and arrested the party, he endeavoring to elude the officer by hiding under a table; but Captain Duff who had acted as deputy marshal, being well posted, spied him and asked him to come out. I then detailed four men, with the guide Smith, to look up the distillery of Lingard; they making five miles in about fifty minutes over rough river hills, capturing the owner, still, and fixtures, after which I found two other houses with 15 tubs each, stills having been removed. Found one other house near Redmon's that had been used, but no mash or beer, which was left as found, as there was nothing that would justify me in destroying it. After which I went to Tazewell, where the prisoners waived examination before commissioner and gave bond. We remained over night in Tazewell. On the morning of the 26th we started for Union County in the direction of Knoxville; we arrested on the way Welch and Wells, who had been peddling whisky in the county to the annoyance of the good citizens; they were bound to court. On arriving in Union County I sent a portion of my force in a hollow called Kettle Hollow, in said county, a place notorious for the violation of the revenue laws. Found in said hollow the fixtures of a distillery in a shed, in a horse lot; in the same inclosure of dwelling owned by Tolliver there was mash and beer on

hand, which was destroyed, still having been removed. Arrested Tolliver and started for Maynardsville; had not proceeded far until we were fired into from ambush; returned the fire. It being dark we returned to Maynardsville for the night with the prisoner and bound him to court. Remained in Maynardsville until the evening of the 27th, when we started for Kettle Hollow, where we were fired into the evening before; on reaching said hollow we were fired upon again; we dismounted and went for them in soldier-like style, capturing one musket and shot-pouch, one coat and one hat, driving the violators pell-mell into the woods; was fired on from near a still-house, the still having been removed; eight tubs of mash, no beer, house destroyed with all the fixtures. Made further search in said hollow; found still-house filled with tubs, but no appearance of having been used recently. I then returned by way of Kettle Hollow, in the direction of Loy's Cross-Roads; found a still-house filled with tubs that had the appearance of having been used recently; was able to ascertain that Joseph Cary was the distiller, whom I had arrested and bound to court. Remained in Maynardsville over night; on the morning of the 28th started for Knoxville, a distance of 24 miles. My impression is that the greatest good accomplished by the raid is the inspired confidence in the better class of citizens that the government intends to enforce the law in the future.

Respectfully,

JOSEPH A. COOPER,
Collector.

Hon. G. B. RAUM,
Commissioner Internal Revenue, Washington D. C.

[Telegram.]

NASHVILLE, TENN., *October* 4, 1877.

Hon. GREEN B. RAUM,
Commissioner Internal Revenue:

News just received that Dol Ray has again attacked and shot H. Rains, whom he several times shot about the first week in August, and for the same reason—that he believed he gave the information which led to his (Ray's) arrest in June for illicit distilling. It is thought Rains will die.

JOHN B. BROWNLOW,
Revenue Agent.

[Telegram.]

KNOXVILLE, TENN., *June* 17, 1878.

Hon. GREEN B. RAUM,
Commissioner Internal Revenue:

W. R. Cooper, deputy collector, assisted by Deputy Collector McDaniel, of the eighth district, Kentucky, have just made a raid along the Tennessee and Kentucky line in the counties of Campbell and Scott, Tennessee, and Whitley, Kentucky; seized and destroyed eleven distilleries; large quantity whisky, mash, and beer; made six arrests; officers attacked by the distillers and two prisoners rescued; two moonshiners wounded.

J. A. COOPER, *Collector.*

TREASURY DEPARTMENT,
OFFICE OF INTERNAL REVENUE,
Washington, June 17, 1878.

JOSEPH A. COOPER,
Collector, Knoxville, Tenn.:

You are authorized to expend $300 out of appropriation for the detection of frauds for the employment of men to assist in the enforcement of the laws in your district.

Let your posse co-operate with the marshal in the arrest of illicit distillers and the persons who attacked the officers and released the prisoners. I desire that you shall exercise your power with the utmost discretion, but with vigor and courage.

GREEN B. RAUM,
Commissioner.

[Telegram.]

KNOXVILLE, TENN., *August* 8, 1878.

To GREEN B. RAUM,
Commissioner of Internal Revenue, Washington, D. C.:

On the evening of the 6th I sent four men and two deputy marshals to Blount County to arrest Hutsell Amarine and seize his distillery. Officers came upon the still at daylight this morning in operation and strongly guarded. A fight ensued; one of my men wounded, and my force compelled to retire without doing their work. This is the fourth time Amarine has fired on the officers.

Guns shipped July 27 from Rock Island have not been received. I need them.

J. A. COOPER, *Collector.*

[Telegram.]

KNOXVILLE, TENN., *August* 9, 1878.

Hon. GREEN B. RAUM,
Commissioner Internal Revenue:

I sent W. R. Cooper, deputy collector, with a force of nine men, consisting of my son, John Cooper, and others, to seize the distillery of Hut Amarine and arrest the party. The stills were moved. The violators were in ambush, and fired on John Cooper and Lea Lewis, breaking Cooper's left arm and wounding him in the abdomen; thought to be fatal. Have dispatched Dr. D. F. Boynton to care for the wounded man.

J. A. COOPER,
Collector.

[Telegram.]

KNOXVILLE, TENN., *August* 10, 1878.

Hon. GREEN B. RAUM,
Commissioner Internal Revenue:

John Cooper, the wounded man, died at 11 o'clock p. m. yesterday. No arrests have yet been made. Hut Amarine, Adam Wilson, and Fletcher Emmett were the assaulting parties.

J. A. COOPER,
Collector.

TREASURY DEPARTMENT,
OFFICE OF INTERNAL REVENUE,
Washington, August 26, 1878.

JOSEPH A. COOPER,
Collector, Knoxville, Tenn.:

The desperate spirit manifested by illicit distillers in your district is such that I wish you to organize parties of sufficient strength to deter resistance, and, with the aid of the marshal's force of deputies, seize every illicit distillery and arrest every illicit distiller in your district. If necessary to this end, you may employ forty men for thirty days, and longer if necessary. Answer.

GREEN B. RAUM,
Commissioner.

TREASURY DEPARTMENT,
OFFICE OF INTERNAL REVENUE,
Washington, December 4, 1878.

SIR: I have this day directed Collector Woodcock, fifth district of Tennessee, to make a vigorous effort for the suppression of illicit distillation in Fentress County, and have to direct you to organize a force of from ten to twelve sober, reliable, discreet, and brave men to be put in charge of your most efficient deputy collector to co-operate in Scott County with Collector Woodcock's force in Fentress County.

You will concentrate your force at Huntsville, in Scott County, on the 18th instant.

without fail, at which time Collector Woodcock's force will assemble at Jamestown, in Fentress County.

Collector Landram, of the eighth district of Kentucky, will, on the same day and for the same purpose, have a force at Monticello, in Wayne County, Kentucky.

You will direct the officer in charge to communicate with Collector Woodcock's deputy at Jamestown or some other point for the purpose of making the raid as effective as possible.

Upon the completion of operations with Collector Woodcock's force in Fentress County, I desire that you, in connection with Collector Landram's force, should move your party through Scott, Campbell, and Claiborne Counties, while the Kentucky force operates in the border counties adjoining, and that you will thoroughly scour that locality, seizing all the stills and arresting all the offenders possible.

I desire that you give your immediate and personal attention to the organization of this force, and take every measure to make the effort a vigorous and successful one.

If you have not a sufficient allowance remaining to your credit from the appropriation for the discovery of frauds to defray the expenses of this movement, inform me by telegraph, and a liberal allowance will be made you.

It would be well for you to at once put yourself in telegraphic communication with Collectors Woodcock and Landram, so that there may be no misunderstanding in regard to the matter.

Acknowledge the receipt of this letter, and keep me advised of the organization and progress of the movement.

Respectfully,

GREEN B. RAUM,
Commissioner.

J. A. COOPER, Esq.,
Collector Internal Revenue, Knoxville, Tenn.

UNITED STATES INTERNAL REVENUE,
DEPUTY COLLECTOR'S OFFICE, SECOND DISTRICT TENNESSEE,
Knoxville, November 27, 1878.

SIR: I submit this my official report of the raid into Blount County, Tennessee, August 8, 9, and 10, 1878, to seize the distillery of Hutsell Amarine and effect his arrest. I secured the loan of ten improved Springfield breech-loading infantry rifles from the Knoxville Rifle Company, with which I armed my men. We crossed the Tennessee River at Knoxville just at 9 o'clock on the evening of the 8th, and moved at once to the scene of action, arriving at the mouth of the hollow in which the distillery was situated, about two hundred yards from the distillery, at 4 o'clock in the morning of the 9th, having traveled about twenty-six miles under cover of the night, crossing two rivers, one creek, and a mountain; the last three miles traveled on foot. At the mouth of the hollow we rested quietly until it was light enough to move through the bushes. At this point I divided my men into three squads, the hollow running north towards a creek, and sent three men on a hill west of the hollow, two men in the hollow, and with the remaining four men I moved round on the hill east of the hollow, intending to leave three men on the side of the hill opposite the distillery, and with one other man drop into the hollow south of the distillery, and thus effectually surround it, and capture the moonshiners with their machine. Not being acquainted with the exact location of the distillery, we passed beyond the still to the south, and having distributed my men, we moved in the direction of the distillery, down the hollow, under cover of the bushes. When I came near the distillery I found that the still had been removed, and John Cooper, J. F. DeArmond, Granville Braden, J. L. Lewis, and J. W. Bird, near the distillery, in the open ground, which had been cleared off for the distillery, without house or shed. In less than ten minutes after my arrival some men commenced hallooing on the hill in the bushes opposite, about fifty yards off, ordering us to hold up our hands and surrender, and instantly commenced shooting. Several shots were fired from the direction in which the voices came, not, however, from the direction where the balance of my men were stationed. Two or three shots, large balls, took effect in the body of John Cooper, mortally wounding him. This occurred about 6 o'clock in the morning of August 9. The surrounding thicket of bushes was so dense that we could not personally recognize any of the offenders. From all the evidence I can gather I am satisfied that there were five or six of the assaulting party. It is known that Hutsell Amarine, Adam Wilson, and Fletcher Emmett are the principals. John Cooper died at David Webb's, in Miller's Cove, of his wounds, at 11 o'clock Friday night, August 9. Drs. John Blankenship, of Maryville, and D. T. Boynton, of Knoxville, were immediately summoned to give medical aid to the wounded man. It was necessary to station a guard at Mr. Webb's barn to protect our horses from the desperadoes.

We left Mr. Webb's with the body of the murdered man at twelve o'clock midnight, and arrived at Marysville at 4.30 a. m. on the 10th, having traveled about fifteen miles through the mountains under cover of the night. The parties who committed the murder have been encouraged and aided by men of high standing and influence, living in Blount County. On this raid we seized two oxen; seized and destroyed the distillery property of Hutsell Amarine.

Very respectfully,

WM. R. COOPER,
Deputy Collector, Second Division.

J. A. COOPER, Esq.,
Collector, &c., Knoxville, Tenn.

UNITED STATES INTERNAL REVENUE,
COLLECTOR'S OFFICE, SECOND DISTRICT TENNESSEE,
Knoxville, November 29, 1878.

SIR: I submit herewith a report of the circumstances attending the tragical death of John Cooper and the wounding of J. B. Snyder while assisting to enforce law in Blount County. On the 6th day of August I sent out a party of six men, including two deputy marshals, to seize the distillery and arrest Hutsell Amarine, in Miller's Cove, Blount County. The officers arrived at the distillery between midnight and daylight of the 8th, and found the distillery guarded with men and picketed with dogs, the latter of which gave the alarm and the men guarding withdrew. Upon the arrival of the officers at the still furnace, which contained fire and a still, they were accosted from the hill near by as thieves, rascals, &c., and commanded to hold up their hands and surrender, and were immediately fired on from the bushes in the dark. Several shots were exchanged, during which J. B. Snyder was wounded by being shot through the left hand. The officers were compelled to retire under cover of the night without effecting their purpose, and returned the same day to Knoxville. This effort and result being reported at once by telegraph, I was authorized the same day to employ a special force and arrest Amarine at all hazards. I immediately summoned and secured the services of a special force, and sent them out the same day in charge of W. R. Cooper, one of my regular deputies, whose report of the expedition is attached to and made a part of this report—Exhibit A. It is worthy of remark that since June 22, 1869, there have been at least four illicit distilleries seized in this district as the property of Hutsell Amarine, and that on three different occasions at least he has shot at the officers from ambush while they were attempting to seize his distillery, and that he has been arrested but once, which was during the latter part of 1869. He was tried, convicted, and punished at that time. Since his release from imprisonment he has been defiant of the revenue authorities in every respect.

Very respectfully,

JOSEPH A. COOPER, *Collector.*

Hon. GREEN B. RAUM,
Commissioner of Internal Revenue, Washington, D. C.

UNITED STATES INTERNAL REVENUE,
DEPUTY COLLECTOR'S OFFICE, SECOND DISTRICT TENNESSEE,
Knoxville, December 31, 1878.

SIR: December 25 destroyed 8 empty mash-tubs in Dark Hollow, near Powell's River, in Claiborne County.

December 26 destroyed the distillery of Wyly Redmon *alias* Wyly Camack, on Station Creek, in Lee County, Virginia, near State line, 2 new copper stills, caps, and worms, 10 tubs beer, 4 tubs mash, 12 empty tubs, 3 bushels malt, 20 gallons singlings, and 2 bushels corn. This distillery was located on William Woodson's premises, and it doubtless was his distillery. I destroyed a distillery for this man Redmon on this same farm on the 25th day of last February, not more than one mile from where the one was this day destroyed. There are said to be three still-houses on Woodson's farm. My party found 14 Army rifles and 3 Navy revolvers near the distillery, most of them in the hands of men intending to protect the distillery, and arrested about one dozen men, some of them with guns in their hands. The distillery had been guarded the night previous by about 25 men. The men with guns on the day of seizure seemed to be concentrating at Woodson's dwelling, a man who is worth about $100,000, and is the backbone to violations of the revenue law in this part of Lee County, Virginia.

Same day destroyed the distillery of Isaac Dalton on Little Creek, fifth district of Claiborne County, near State line, copper still and worm, 9 tubs mash, 3 tubs beer, 3 empty tubs, 2 empty barrels, and one bucket, in same house where Dalton's still was destroyed on the 22d day of last February.

Same day destroyed the distillery of James Cheek on Little Creek, fifth district Claiborne County, Tennessee, near State line, 9 tubs beer, 9 tubs empty, 1 empty barrel, 1 bucket, 1 pail, 1½-bushel measure. The still had been pulled out and carried off a few days before our arrival in consequence of a raid on the Virginia side.

Very respectfully,

W. R. COOPER,
Deputy Collector.

J. A. COOPER, Esq.,
Collector Second District, Knoxville, Tenn.

[Telegram.]

KNOXVILLE, TENN., *April* 1, 1879.

To GREEN B. RAUM,
Commissioner of Internal Revenue, Washington, D. C.:

My raiding party in Hancock County has returned. They were fired upon by a party of nine men Sunday afternoon. The fire was returned and the assaulting party put to flight. None of the raiding party were hurt. Four illicit distilleries, two coppers, and large quantity of mash and beer have been seized since my last report.

J. A. COOPER, *Collector.*

UNITED STATES INTERNAL REVENUE,
COLLECTOR'S OFFICE, FIFTH DISTRICT TENNESSEE,
Nashville, April 28, 1879.

SIR: I have the honor to inform you that, on the 26th instant, I received a telegram from Deputy Collector J. A. Ray, second district of Kentucky, stating that the moonshiners were "standing off" his men in Allen County, and asking me for assistance. I notified him at once that I would send a force, and that they would enter Allen County at a designated point on the afternoon of the 28th instant (to-day).

As the parties I sent were working in Alabama a short time since, it is certainly evident that they are reasonably active, and that their expenses are considerable, and that their services are appreciated by their official neighbors.

Very respectfully,

W. M. WOODCOCK, *Collector.*

Hon. GREEN B. RAUM,
Commissioner Internal Revenue, Washington, D. C.

UNITED STATES INTERNAL REVENUE,
DEPUTY COLLECTOR'S OFFICE, SECOND DISTRICT TENNESSEE,
Knoxville, April 29, 1879.

SIR: I have the honor to report my operations against illicit distilleries during the month of April in this district.

On the 16th instant, I commenced concentrating my force at Sweetwater, for the purpose of raiding the counties of Monroe and Blount along the line of Tennessee and North Carolina.

Starting four men from Knoxville and two from Blount County on the 16th, viz, J. B. Snyder, William F. Baker, J. R. Kennedy, A. M. McClain, J. R. Everett, and Charles Effler, and two from Knoxville, S. H. Cooper and E. D. Snow, on the 17th; also two from Athens, L. T. Walker and J. C. Duff; one from Coal Creek, and one from Jacksborough, on the same day, Joel Brooks and W. W. Lindsay, we arrived at Sweetwater, from which point, on the middle of the afternoon of the 17th, we moved to Madisonville, in Monroe County, where our force lodged for the night, being in immediate charge myself, accompanied by Deputy Collector William Lindsay, of the first division.

On the morning of the 18th, at six o'clock, we moved from Madisonville south 17 miles on to Laurel Branch, where we seized and destroyed the distillery of John Fan-

ner and James H. Colley, consisting of 1 copper still, copper cap and worm, 11 tubs of beer, 6 tubs of mash, 7 empty tubs, 22 gallons singlings, 6 bushels meal, 6 bushels malt, 1 barrel, and ½-bushel measure. Colley's wife was in this distillery, operating in full blast, while the husband, J. H. Colley, was out in the woods, with gun. Said he was hunting turkeys. He was arrested and bound to court on the charge of illicit distilling.

Same day seized and destroyed the distillery belonging to the Kirkland women on Cain Creek in Monroe County, consisting of 1 copper still and worm, wooden cap, 8 tubs of beer, 9 tubs of mash, ½ bushel of meal, 5 gallons low-wines, 5 gallons of whisky, and about 25 gallons of singlings. This distillery was in full blast, being operated by Albert Hampton, who was arrested on the charge of distilling. Martha Kirkland, one of the proprietors of this distillery, acknowledged to me as to her ownership, and the employment of Albert Hampton to do the distilling.

On the night of the same day, we seized and destroyed the distillery of Abe and Wash Bivins, near Citico Creek, 17 miles east of Madisonville, Monroe County, consisting of 1 copper still and worm and wooden cap, 7 tubs of beer, 5 tubs of mash, and ½ bushel of malt. This is the second distillery seized from these parties within one year past.

On Saturday, the 19th, our party visited the distillery of Milton Williams, James McKelvy, and Jason Millsops, situated near Frog Mountain, about 5 miles from the North Carolina line, for the purpose of seizing the same and if possible effect the arrest of the violators. This distillery was situated in a long deep laurel hollow in the mountains about 25 miles east of Madisonville, in Monroe County, though my guide did not know of its exact location before we reached it.

Upon approaching the distillery on foot, my party was fired on by four or five parties concealed in the laurel about 50 yards from the distillery; the assaulting party fired 5 or 6 shots, the first shot fired taking effect in the left arm of Deputy Collector Wm. Lindsay, breaking it about 1½ inches above the elbow. The wounded deputy was taken charge of immediately by myself, and cared for. My party returned the fire with unknown results, as we could see none of the assaulting party, they being concealed, the smoke from their guns only indicating the locality and object for my men to shoot.

I immediately ordered the woods to be thoroughly skirmished, which was done promptly and vigorously, which resulted in finding a very large-bored rifle gun which had just been discharged and abandoned by the bushwhackers, the discovery of one man running through the woods with gun in hand at a distance of 150 yards, and finally the finding of the still, which had been pulled out and hidden in the laurel. We succeeded in the seizure and destruction of this distillery, which consisted of 1 copper still, 14 tubs of beer, 10 gallons of singlings, 2 kegs, and ½ barrel. Upon the completion of this work we retraced our trail about ten miles, clearing the mountains, and carrying with us the wounded deputy.

In the vicinity of Citico Creek I divided my force, sending one squad by the way of Maryville, Blount County, to Knoxville, and with the remainder in charge of the wounded deputy I at once moved to Madisonville, where surgical assistance could be procured, at which place we arrived about eight o'clock the same night, and where the wounded man was attended and his wound dressed by Dr. M. C. Duncan, of Madisonville, Monroe County. On Sunday, the 20th, we moved the wounded deputy to his office in Athens, where his wound was again dressed by Dr. E. Daniels, of Athens, who took charge of and is now attending the case. It is the opinion of attending physicians that amputation is not necessary.

It was my intention, and had made my arrangements accordingly, to thoroughly scour Blount County, where there are several distilleries operating along the North Carolina line on the Tennessee side; this is a bad locality and requires a strong discreet force for safety. But upon the completion of the work in Monroe County, and on account of the wounded Deputy Collector Lindsay, I was compelled to abandon the Blount County work, at least for the present. From my knowledge of the district, in some localities, illicit distilling is considerably reduced, but in other localities there seems to be a determination on the part of these violators to persist in their nefarious traffic and resistance to the enforcement of the law. Since March 26, 1879, I have met with more opposition in my efforts to suppress illicit distilleries, by *armed* resistance, than during any period of two years preceding since the beginning of my term of office June 22, 1869.

Our raiding party all returned on the 21st and 22d instant.

I am, very respectfully,

W. R. COOPER,
Deputy Collector.

JOSEPH A. COOPER, Esq.,
Collector Second District, Knoxville, Tenn.

KNOXVILLE, TENN., *August* 18, 1879.

SIR: You will recollect a conversation I had with you in June in regard to violators of the internal-revenue laws, and what would be the best policy to be pursued towards illicit whisky dealers in East Tennessee. I think it hazarding nothing when I say that a much better feeling exists among the people now than ever before on this subject. I have been in five or six counties since my return home, and I find a general expression of opinion and a strong disposition to discountenance and aid in putting down the unlawful manufacture and sale of liquors. This is the almost universal feeling among the peopie. There is a moral power at work to suppress this traffic that has never existed before as at present. And I have talked with hundreds of our best citizens, who concur with me in the opinion that no better nor more certain mode of stopping these violations of law could be devised than to permit all persons under indictment to submit and pay costs, with the understanding of record that judgment will be suspended during good behavior. In other words, let them submit, pay costs, and judgment be suspended until further orders of the court, with the understanding that if they again violate the laws the old judgment will be enforced in addition to the prosecution and punishment for the subsequent violation.

I tell you the great majority of those who have heretofore violated the law are becoming reconciled and will obey it in the future. To pursue the course suggested will show to these men that the government does not seek vengeance, but obedience, and will go far towards making them see that the authorities propose to deal kindly with them if they will deal honestly with the government.

If this course could be adopted in general, I think it would accomplish much more than harsh treatment. Even criminals should not be mistreated. For those who now persist in violating the law, after decent treatment has been inaugurated towards them, I have but little sympathy—none except where ignorance is supreme—but I believe if my suggestion is adopted it will break up the illicit business except with the hardened and abandoned, who can then be suppressed by the strong arm of power. Let me hear from you at once, as the United States court meets here on the first Monday of September.

Yours, truly,

L. C. HOUK.

Hon. G. B. RAUM,
Commissioner of Internal Revenue.

OFFICE OF THE UNITED STATES DISTRICT ATTORNEY,
FOR THE EASTERN DISTRICT OF TENNESSEE,
Knoxville, Tenn., December 24, 1879.

SIR: You will please find inclosed a petition signed by twenty-one of the leading and very best citizens of Hancock County, Tennessee.

This petition is improperly addressed to the writer, but the substance and meaning thereof can be readily understood, and is clearly meant for the honorable Commissioner of Internal Revenue. These petitioners ask for clemency for their fellow-citizens who have violated the internal-revenue laws.

After a full understanding with the Hon. Xen. Wheeler, the United States district attorney, and with Hon. John Baxter, the United States circuit judge for this district, each having seen the inclosed papers and considered the same, I forward the same with this explanation.

Hancock County is a new, small, mountain county; the situation, as a glance at the map will show, is away from any railroad or navigable river. It is beyond the mountains known as Clynch, Sand, and Copper Ridge, three parallel ranges, and the result is that grain and fruit never have been brought out and marketed. Before the war the people were wont to make apple brandy and corn whisky in small copper stills without let or hinderance. During the rebellion they were entirely loyal. Three-fourths of these men were in the Federal Army. After the war and ever since they have made whisky and brandy without much formality, and have traded and sold it, and there are a very great many violators of law among them. This is not pleasant to write, but it is the exact truth.

Farther—a few bad men, notably one Andrew Rhea and one Doll Rhea, who were desperadoes to the fullest extent of the term, were the leading violators of law. They ran illicit stills, and, more, they shot at and intimidated the revenue officers, so that it was practically impossible to make arrests in Hancock County. It is easy to criticise the officers of the law for cowardice, but each man has one life only, and the result is, to set out the fact in few words, that for ten years past Hancock County has practically nullified the laws of the United States with regard to the internal revenue.

The result is what would naturally be expected. When *some* could with impunity

disregard the laws, many have attempted it. But the operations of these violators have been small because *they are very poor*.

Now a very different phase of affairs exists. Andrew Rhea was recently killed in a vendetta. Doll Rhea has fled the county to Texas and dare not return, and Mr. Freshour, a recently appointed revenue officer, a man of both pluck and discretion, has within a few weeks broken up, destroyed, and captured the illicit distilleries; and has arrested and caused to be arrested something over *one hundred* of the citizens of Hancock County. And warrants are out for a great many more; they, too, will be arrested no doubt.

It is about 125 miles away from Knoxville to Hancock County. These people are guilty of violations of law; they can be convicted, 200 of them at least, of violations of the revenue law. The county has about 800 voters.

Now the question is, what is to be done? Many are now in jail. If nothing but the regular course is pursued we shall be compelled to send scores and scores to jail or to the State's prison. It is difficult to pick out a few to make an example of when hundreds are equally guilty; but if men will violate law they must suffer.

Now, it is in view of all the facts that the writer forwards the within papers with the full assent of Mr. Wheeler and with the full knowledge of Judge Baxter, and recommends that a general amnesty be accorded to the people of Hancock County and the seventh district of Claiborne County, which lies contiguous, upon condition that all offenders come to the United States circuit court and submit to such charges as they are severally guilty of, and, if able, pay the costs, and then let judgment be suspended. Then if any should offend in the future, sentence could at once be rendered.

The fact that a moral sentiment has grown up in the county against all violators is of good augury, and I believe that the result would be that these violations would cease. Hancock County being no longer a place of outlawry, no part of Eastern Tennessee would be.

Nothing is to be lost except officers' fees in trying the experiment.

Of course the whole matter rests for its good results on the temper of the people and the spirit in which the amnesty would be received. I feel certain it would be understood in good faith and so acted on.

It is for this reason that the law will be obeyed, or, if violated, no excuse or claim for clemency can be urged, and because the best citizens are now arrayed against violators, and because cheapest for the government, that these papers are forwarded with the recommendation that they be favorably acted upon. But the matter demands, from its magnitude, immediate attention, for the reason that the circuit court for this district convenes here on the second Monday in January next, *i. e.*, the 18th, and these cases, perhaps 150, will be first to be disposed of.

I am, sir, yours truly,

A. H. PETTIBONE,
Assistant United States District Attorney.

I concur in the above recommendations.

J. M. MELTON,
Collector Second District, Tennessee.

Hon. GREEN B. RAUM,
Commissioner of Internal Revenue, Washington, D. C.

SNEEDVILLE, TENN., *November* 12, 1879.

To A. H. PETTIBONE, Esq.:

The undersigned, your petitioners and citizens of Hancock County, desire to respectfully represent to you, and through you to the honorable Commissioner of Internal Revenue, that a large number of our citizens are involved, either directly or indirectly, in violation of the internal-revenue laws; quite a number of them have persisted in willfully violating said laws, and the law-abiding citizens, not feeling themselves called upon to prevent, stop, or hinder those so engaged, have quietly stood by while the evil has spread until, either directly or indirectly, a large number not naturally disposed to do anything in violation of law have been involved, some for selling a pound or two of tobacco, some for grinding malt for stillers, some in one way and some another, that never intended to do any wrong or violate any law. Those who have been the most persistent violators of the United States laws are extremely poor, not even having the means of subsistence, and by no means able to pay expenses of litigation, while a few, who are indirectly involved, can pay, perhaps, the costs of prosecution; in fact, as we are a very poor community, it would take the entire available means of all the citizens of this county to pay the costs of the prosecutions now instituted against the citizens of our county. Now, what the undersigned want is, if at all or in any way practicable or consistent with your duty, to ask your influ-

ence to procure a general pardon for our citizens on such terms as the honorable Commissioner may see fit to extend, upon the undersigned agreeing, and we hereby agree and bind ourselves, that if the matter can be adjusted and a pardon extended to our citizens, that we will no longer stand by indifferently, but at once take prompt action, and will use what influence we have to prevent any further violations of the laws of the United States, and will assist to arrest and hand over to the proper authorities all violators of the United States internal revenue laws in our county as soon as possible after we have information of the same. Upon this promise on our part, and such terms as the honorable Commissioner sees fit to impose, we respectfully ask a pardon for our erring citizens.

R. D. GREEN,
Clerk County Court.
JOB BUTTRY.
G. W. HARRISON.
I. W. CAMPBELL, *Postmaster.*
W. Y. CAMPBELL.
M. R. BUTTRY,
Circuit Court Clerk.
W. Y. CAMPBELL.
SAMPER WILLIAMS,
Justice of the Peace.
WM. J. K. LAWSON, *Trustee.*
WM. SEAL.
HIRAM HERD.
C. S. HERD.
WILLIAM P. TESTERMAN.
JOS. W. BAKER,
United States Commissioner.
F. L. BRAY, *Postmaster.*
A. J. LIVESAY.
L. L. LIVESAY.

These names are added by written request to the above petition by A. H. Pettibone, assistant United States district attorney:

McHENRY BRAY.
JAMES JORDAN.
GIDEON WOLF.
GREEN WOLF.

SNEEDVILLE, TENN., *December* 12, 1879.

DEAR SIR: We, the undersigned, have examined the petition of our citizens, bearing date November 12, 1879, relative to the violators of the United States internal revenue laws of our county, and pledge ourselves to comply with all the conditions of the same, except "arresting and handing over to the proper authorities," which is not compatible with our duties, unless summoned to so do.

Respectfully, yours,

H. TYLER, *Clerk and Master.*
H. F. COLEMAN.

Hon. A. H. PETTIBONE,
Knoxville, Tenn.

OFFICE OF THE UNITED STATES DISTRICT ATTORNEY,
FOR THE EASTERN DISTRICT OF TENNESSEE,
Knoxville, Tenn., December 31, 1879.

SIR: I take the liberty, unasked, to again call your attention to my letter of the 24th instant, in regard to the petition of certain citizens of Hancock County, Tennessee.

I inclose, for your information, a letter from Mr. J. S. Green, a citizen of Cocke County, where much such a condition of affairs exists as in Hancock County. Mr. Green is a leading citizen and an honorable man.

It is evident that a very different and very much better spirit is prevailing among the people in regard to violations of the revenue laws. I do not desire to obtrude advice, but do wish to give information which may be of value to you. We, who are on the ground, must see some things which can not be so clearly apprehended by you at Washington. As Mr. Green remarks in his letter, the amnesty extended to the middle division of our State—that is to Middle Tennessee—is known to our citizens and is much talked about.

At our last court several offenders from some of the counties in that part of the State came here and claimed the benefit of the amnesty. This was accorded to them. The letter of Mr. Green is forwarded that you may have all the light possible.

It is believed *now* that with Judge Baxter's stern determination to see the laws obeyed, which *evil-doers have found out*, a degree of leniency, hitherto out of the question, may now be shown with profit to them and good results to the government.

It is assumed that the suppression of violations—*the obedience to law*—is the end sought, and for which courts and the machinery of the law exist; and while no petition has ever been sent to the honorable Commissioner from any county in East Tennessee, save from Hancock County—unless Mr. Green's letter be regarded as such—yet I assure you that no objection or misgiving would be had or entertained by either

Colonel Melton, the collector, Judge Baxter, or Mr. Wheeler, the district attorney, it an amnesty, *properly guarded*, should be extended to all of Eastern Tennessee, similar in terms, such as the Commissioner should see was best calculated to attain the desired end, *i. e.*, the suppression of violations of law.

Believing that this letter will be received in the spirit in which it was written,

I am, sir, yours, very truly,

A. H. PETTIBONE,
Assistant United States District Attorney.

Hon. GREEN B. RAUM,
Commissioner of Internal Revenue, Washington, D. C.

P. S.—A speedy determination as to what shall be done is *very* essential, in order that we may be fully prepared to act. We desire *not* to incur expenses which can be avoided. Our court commences on the 12th January, 1880.—A. H. P.

NEWPORT, *December* 22, 1879.

DEAR SIR: I drop you a line in regard to the citizens of the fifteenth district of our county. There have been some violations in that district, and the people seem to be divided and split up, and quite a prejudice exists among the citizens. Those of them that are held to court, or quite a number of them, wish to take the amnesty oath, upon the payment of the costs, never to engage in it any more. This was extended in the middle division of the State last winter.

I have been requested to notify you of the intentions of those citizens before the sitting of the court, so that some steps may be taken. There will be some, of course, that cannot secure the costs and will not ask it.

The citizens that have not been engaged in violation of the law pledge themselves to see that those making this request do not violate any more, and will sign a petition to that effect. They also wish to know what steps to take in this matter.

Yours, truly,

J. L. GREEN.

Mr. A. H. PETTIBONE.

P. S.—Direct your answer to Big Creek, Cocke County, Tennessee. Write soon.

[Telegram.]

TREASURY DEPARTMENT,
OFFICE OF INTERNAL REVENUE,
January 7, 1880.

X. WHEELER, *United States Attorney*, or A. H. PETTIBONE, *Assistant United States Attorney, Knoxville, Tenn.:*

Before considering the question of amnesty to illicit distillers, the guilty parties themselves must forward a petition asking for it.

I would be glad to have the views of Judge Baxter upon it also.

GREEN B. RAUM,
Commissioner.

OFFICE OF THE UNITED STATES DISTRICT ATTORNEY,
FOR THE EASTERN DISTRICT OF TENNESSEE,
Knoxville, Tenn., January 7, 1880.

SIR: Your telegram of this date is duly received. I have shown the same to Judge Baxter, and have had a free interchange of views with him. He instructs me to say to you, that he thinks an amnesty properly guarded would do no possible harm, and would do some good; that personally he would be pleased to be rid of the trouble of trying and sentencing so many persons, but he feels that any favors ought to come from the department, and that it would not do for him to relax the severity of his sentences; that the cases of the worst offenders should be excepted and left to the discretion of the district attorney and judge here; that having a submission and suspension of sentence, with the certainty of very severe punishment, if parties should again offend, would compel them to obedience, as they would only have to be apprehended, and no further trial would be necessary to their prompt punishment.

The offenders would all be glad to sign petitions for amnesty. But this is now too

late for the coming term. The petitions forwarded you were in their interest, and by men acting for them. As a class they are extremely illiterate.

Judge Baxter has done and will do his full duty in the premises. Both Judge Baxter and Mr. Wheeler agree that should the amnesty be granted it should extend to the whole district.

I am, sir, yours, very truly,

A. H. PETTIBONE,
Assistant District Attorney.

Hon. GREEN B. RAUM,
Commissioner Internal Revenue, Washington, D. C.

I write this by Mr. W.'s direction, having conducted the correspondence heretofore.

UNITED STATES INTERNAL REVENUE,
COLLECTOR'S OFFICE, SECOND DISTRICT TENNESSEE,
Knoxville, January 9, 1880.

SIR: In reply to department letter of the 7th instant, in regard to illicit distillation in my district, I have the honor to report that I have in the past few days been talking with my deputies, who have charge of divisions, and Special Deputy W. W. Freshour, upon this subject, who report that illicit distillation and traffic in whisky has been greatly diminished during the past few months; that those who are now engaged in the work of making illicit whisky are in the mountains near the State lines between Tennessee, North Carolina, Kentucky, and Virginia; that they locate along the small streams in the hollows of the mountains and never remain in one place longer than to make from one to two runs of whisky until they "tare out the stills" and move to another hollow, and when the officers get too close after their trail they cross the State lines into North Carolina, Virginia, and Kentucky; as a general thing these parties are inclined to try to make their escape by running instead of showing fight, when run upon by the officers, but occasionally the officers are fired upon from ambush, but so far they have come out unhurt.

I will add here that none of these moonshiners during my term of office have offered any resistance to the officers, except in Hancock County; that is, by firing upon them from ambush. Mr. Freshour reports that when he began operations in that county he was accompanied by two deputy marshals; that for the first few days they were shot at frequently from ambush, but he stood firm and unflinching in the discharge of his duties, and, using his own language, he "went for them" and staid with them until he succeeded in destroying something near 20 stills and distilling apparatus, and assisted the deputy marshals in arresting and binding over to court between 100 and 200 of the violators, and says there was not when he left them as much as one illicit still in operation.

At present, I think, there are but few illicit distilleries in operation in my district, and they are in the counties of Cocke, Monroe, and perhaps one or two in the counties of Blount and Polk; there may also be a few scattering ones in some other counties, but, if such is the fact, they are unknown to me and my officers. I can report favorably for the counties of Campbell, Claiborne, and Anderson. I don't think there are any illicit stills in operation in these counties, at least I am unable to hear of any. Now, as to the measures I have been using to discover and suppress illicit manufacture and traffic in whisky I will say, with but one or two exceptions, the work has been accomplished by my deputies and deputy marshals, who have operated together, the deputy marshals acting in their own official capacity and not as deputy collectors. In making discoveries, I have frequently offered and paid small rewards to parties to locate and point out to the officers illicit distilleries. By this method I have been successful in making many seizures that otherwise I would not have accomplished; but in almost every case the stills and distillery apparatus had to be destroyed by the officers, as they were unable to carry them out of these mountain gorges.

Further, a large majority of the better class of citizens are in favor of a strict adherence to and enforcement of the law, and public sentiment is continually growing in favor of the law and against the violators.

Respectfully,

J. M. MELTON, *Collector*

To GREEN B. RAUM,
Commissioner Internal Revenue, Washington, D. C.

OFFICE OF THE UNITED STATES DISTRICT ATTORNEY
FOR THE EASTERN DISTRICT OF TENNESSEE,
Knoxville, Tenn., February 3, 1880.

SIR: On the 13th January I received from the Attorney-General the following telegram:

"Suspend sentence on illicit distillery cases where parties plead guilty on security of payment of costs if able, otherwise without, except if aggravated by violence or in any other way. Merge all offenses in one prosecution; do not multiply cases or institute unnecessary ones. This on advice of Treasury Department."

When the telegram was received the circuit court had been for ten days in session, and a good many cases had been disposed of and quite a number of parties had been convicted and sentenced.

From the correspondence between yourself and my assistant, A. H. Pettibone, as also that between you and Colonel Melton, the collector, I supposed this amnesty was intended particularly for the benefit of violators of the internal-revenue laws in Hancock and Cocke Counties, Tennessee, but the terms of the telegram included violators in other counties as well; and moreover I could see no good reasons why offenders in the counties named should be granted exceptional favors.

Accordingly, when any party came in and submitted, I allowed time to do so, and had sentence suspended whether the party came from Hancock or Cocke, or any other county in this district. Only a small fraction of those who submitted paid, or secured the payment of the costs. No less than 126 men submitted in one day, mostly from Hancock County, and the whole number of submissions must have amounted to more than two hundred.

I trust this amnesty may prove to be a good thing, although I cannot say that I am sanguine as I have been. But I do not write to question the wisdom of the course pursued, although I will say that the submission of so many parties at the same time seemed to me very much of a farce, and I was glad when it ended.

But there is still quite a large number of cases upon the docket, principally informations and indictments against men not arrested. Some of these men will be arrested before the next term of the court. The grand jury found 104 bills of indictment against parties, 96 of which were for violations of internal revenue laws.

The commissioner's courts will be trying many parties before the next term, and it will become my duty to file informations against parties bound over by commissioners. From all I can see, I judge the docket for next term will be quite as large as that of the term just closed. Are the cases now in the docket and undisposed of, and that will come on, to take the same course as those disposed of during the last term, or was the amnesty designed simply for the benefit of those who might submit during the last term of the courts?

I am satisfied I shall be asked this question many times during the next few months, and I desire to know the wishes of the department that I may be able to answer it.

If the amnesty is to be perpetuated, I think means could be devised to make submissions less costly to the government than those of the last term.

Very respectfully,

XEN. WHEELER,
United States Attorney.

Hon. GREEN B. RAUM,
Commissioner of Internal Revenue, Washington, D. C.

A reply to this letter by the Commissioner of Internal Revenue will be found in another part of this correspondence, relating to amnesty.

FIFTH DISTRICT OF TENNESSEE.

Synopsis of correspondence.

1877.

June 26. Letter from Deputy Collector Elder. Raid on illicit distilleries in Putnam County, Tennessee. Attempted rescue of prisoners by an armed band of illicit distillers. Firing on the officers, some of whom are wounded.

Oct. 13. Letter from Collector Cliffe. Account of operations against illicit distillers in Lawrence County, Tennessee. Brutal murder of a guide named Williams by disguised men for giving information and assistance to revenue officers.

1878.

Feb. 11. Letter from Collector Woodcock. Successful attack on a fortified distillery, owned by one Campbell Morgan, in Jackson County. Desperate fight with an illicit distiller; final surrender.

Feb. 16. Letter from Collector Woodcock. The sheriff of Jackson County heading a movement of citizens to interfere with the United States officers in discharge of their duties.

Feb. 16. Letter from Collector Woodcock detailing operations against illicit distillers in Macon and Jackson Counties.

Mar. 22. Letter from Commissioner of Internal Revenue to Collector Woodcock. Preparations that have been made to cope with the violent resistance to the laws in certain districts. Prudence and economy urged upon collectors.

Mar. 26. Letter from Commissioner of Internal Revenue to Collector Woodcock commending his vigor in suppressing frauds upon the revenue, and promising every needed assistance to vindicate the majesty of the law.

Mar. 28. Letter from Commissioner of Internal Revenue to Collector Woodcock authorizing him to expend a large sum in the suppression of frauds.

Apr. 2. Letter from Commissioner of Internal Revenue to Collector Woodcock relative to powers and duties of deputy collectors in making seizures and searches in discharge of their duties.

Apr. 11. Letter from Commissioner of Internal Revenue to Collector Woodcock relative to co-operation between the deputy collector and marshal's forces in operations against illicit distillers.

May 20. Letter from Collector Woodcock. Attempt to break up the illicit distillery of T. W. Tipton, in Grundy County. Officers attacked and repulsed by armed force of distillers. In the fight Deputy Collector Davis kills Jo. Hayns, one of the attacking party.

May 22. Telegram from Commissioner of Internal Revenue to Collector Woodcock. Regrets the late tragedy in his district, but says the determined spirit of resistance must be overborne and broken down by sending out a force sufficient to intimidate the law-breakers from attacking.

June 27. Letter from Deputy Collector Phillips. Operations against illicit distilleries in De Kalb, White, and Putnam Counties. Officers fired on from the bushes, and while traveling a public road. Determination of illicit distillers to trump up charges against officers and have them arrested so as to stop their operations.

July 2. Letter from Collector Woodcock. Deputies frequently fired on during the last raid on illicit distillers, and one arrested for alleged offense against State laws.

July 11. Letter from Commissioner of Internal Revenue to Collector Woodcock. If State officers lend themselves to the purposes of violators of the law by causing arrests of United States officers in discharge of their duty, collector instructed to confer with district attorney about prosecuting them under section 3177 Revised Statutes. People in all parts of the country must learn that the laws of the United States are paramount.

Aug. 26. Letter from Collector Woodcock. Battle between illicit distillers and revenue officers in Overton County, Tennessee. Desperate fighting; three officers wounded.

Aug. 31. Letter from Commissioner of Internal Revenue to Collector Woodcock. The late murderous attack on revenue officers in Overton County commented upon. Offers a posse of 40 men to the marshal to execute warrants for the arrest of the guilty parties. All the penal provisions of the law to be brought to bear against these men.

Sept. 17. Telegram from Commissioner of Internal Revenue to Collector Woodcock. Contemplated raid approved.

Sept. 30. Letter from Collector Woodcock. Force of 54 men sent against illicit distillers in Jackson County. Formidable resistance expected from violators of law, they having recently provided themselves with large quantities of arms and ammunition.

Oct. 1. Letter from Collector Woodcock. Deputy Collector Davis indicted by the State court for murder in the first degree. Case transferred to the United States court. As Davis and his friends were walking from the court-house, they were fired upon by assassins concealed in a thicket, and James Spears, who was walking by Davis's side, was fatally wounded, and afterwards died.

Oct. 5. Letter from Deputy Collector S. D. Mather. Account of operations in Overton and Fentress Counties. Formidable resistance at all points. Armed distillers swarming on the track of the officers; encounter and bloodshed.

Oct. 9. Letter from Collector Woodcock. Progress of raid in Jackson County. Returning the fire of the violators of law; a number of them killed and wounded.

Dec. 4. Letter from Commissioner of Internal Revenue to Collector Woodcock. Directing vigorous movements against illicit distillers in his district. Joining in a concentrated movement of collectors of adjoining districts.

1879.

Jan. 21. Letter from Collector Woodcock. Unsuccessful attempt by eight armed men to break the jail at Livingston, Tenn., and rescue one Thomas Moore, in jail for illicit distilling.

Feb. 12. Letter from W. W. Goodpasture to Hon. G. G. Dibrell. States that the arrests for illicit distilling in Jackson and Clay Counties have been so numerous that they will almost break up many neighborhoods and impoverish many families. Asks if any relief can be extended through the pardoning power.

Feb. 15. Letter from W. W. Goodpasture to Hon. D. M. Key. States that at least 500 men are involved in violation of law in Jackson, Putnam, and Clay Counties. Pleads their poverty and ignorance of the law as a reason for extending the pardoning power.

Feb. 21. Letter from Commissioner of Internal Revenue to Hon. W. W. Goodpasture. Says that he could not advise leniency towards the offenders whose cause is pleaded by Goodpasture until a different spirit is manifested by them. Mentions the armed resistance to the laws and the prosecution of United States officers in State courts as an instance of their perversity.

Mar. 3. Letter from Commissioner of Internal Revenue to Collector Woodcock. Notes the fact that the collections of tax have increased as compared with preceding year; thanks him for efficiency and zeal.

Mar. 17. Telegram from Commissioner of Internal Revenue to Collector Woodcock. Obtain warrants for the arrest of all who participated in the release of prisoners at Hartsville; employ all men necessary to assist marshal in making arrests; the supremacy of the law must be maintained.

Mar. 18. Letter from Collector Woodcock. An illicit distiller taken from jail at Hartsville by a mob of 52 armed men and released; also seized the captured property.

Apr. 12. Letter from Albert L. Marks, governor of Tennessee, to Hon. Benton McMillan, M. C., inclosing petition to the President of the United States, signed by all the members of the United States Senate and House of Representatives from Tennessee, asking for amnesty for illicit distillers in Tennessee.

Apr. 15. Letter from Benj. J. Lee, Attorney-General of Tennessee. States if amnesty is extended to those charged with offenses against the revenue laws and resistance to revenue officers he will advise a *nol. pros.* in all cases against United States officers in State courts.

Apr. 16. Letter from Commissioner of Internal Revenue to Secretary of the Treasury, recommending amnesty in fifth district, Tennessee.

Apr. 17. Letter from Commissioner of Internal Revenue to Secretary of the Treasury, further recommending amnesty in fifth district, Tennessee.

Apr. 19. Letter from Secretary of the Treasury to Attorney-General, inclosing letters of Commissioner of Internal Revenue, recommending amnesty in fifth Tennessee, and approving the same.

Apr. 19. Telegram from Attorney-General to James A. Warder, United States Attorney, Nashville, Tenn., authorizing him to accept pleas of guilty, with suspension of sentence during good behavior from illicit distillers and others in fifth district Tennessee.

Apr. 19. Letter from Deputy-Collector Mather. General review of affairs in 5th district in regard to the enforcement of the revenue laws and the manufacture of illicit spirits.

Apr. 29. Telegram from United States Attorney Warder, at Nashville, Tenn. Sentence suspended in 527 cases of violators of internal-revenue laws.

June 25. Letter from United States Attorney Wheeler, inclosing letter from Hon. G. C. Dibrell, relative to amnesty to offenders in the fifth district of Tennessee.

July 1. Letter from Commissioner of Internal Revenue to United States Attorney Wheeler, relative to amnesty in the fifth district of Tennessee; not disposed to advise amnesty to offenders in second district Tennessee until they show a different spirit by their actions.

July 11. Letter from Collector Woodcock, detailing numerous outrages and murders committed on United States officers by illicit distillers.

Sept. 9. Letter from Hon. Benton McMillan, M. C. Asks explanation in regard to the terms of the amnesty in the fifth district Tennessee.

Sept. 13. Letter from Commissioner of Internal Revenue to Hon. Benton McMillan. Answer to his letter about the amnesty; the utmost good faith will be observed by the United States; a public opinion favorable to the enforcement of the laws desired.

1880.
Jan. 10. Letter from Collector Woodcock. Condition of affairs in his district with regard to illicit distilling.
Jan. 12. Letter from Collector Woodcock. Organized resistance to internal-revenue officers believed to exist in Wayne and Lawrence Counties among illicit distillers; W. A. Fowler recently killed for giving information.
Jan. 28. Letter from Collector Woodcock. Resistance in Sumner County to the laws by illicit distillers; attempted assassination of a member of raiding party.

UNITED STATES INTERNAL REVENUE,
DEPUTY COLLECTOR'S OFFICE, FIFTH DISTRICT TENNESSEE,
Nashville, Tenn., June 26, 1877.

SIR: In compliance with your instructions received, a raiding party was organized at McMinnville, Tenn., on June 11, 1877, but owing to the large distances the different parties had to travel in coming to McMinnville, the raiding party did not get ready to proceed until June 13, 1877, when we left (myself in charge of 24 men) in the morning, and after a 40 miles' ride we stopped at James Swift's house, in Putnam County, Tennessee, where we found hid in the smokehouse one package containing about 8 gallons distilled spirits upon which the tax had not been paid. For want of transportation the same was destroyed.

On June 14, 1877, we seized the illicit distillery of James M. Burgess and Alfred Peek, which contained 17 tubs of mash and beer, 90 gallons each, 50 gallons singlings. The distillers succeeded in hastily removing the still and worm. The property seized was destroyed for want of transportation. James M. Burgess was arrested, and after a hearing before United States Commissioner was bound over to the next term of the the United States court.

The next illicit distillery seized was that of Robert Peek, who had succeeded in removing his still and worm. Twenty-two tubs of mash and beer, holding about 1,500 gallons, 5 empty tubs, 100 gallons of singlings, and 25 bushels of meal and rye, were all destroyed for want of transportation.

Joe Randolph's illicit distillery was seized; he had also succeeded in removing his still and cap. Twelve tubs, with mash and beer, holding 1,440 gallons, 10 empty tubs, and 30 gallons of singlings were destroyed.

William Hudgen's illicit distillery contained 30 tubs of beer, holding 3,450 gallons, 2 empty tubs, 85 gallons singlings, 30 bushels of meal and corn malt, and one cap and heater was destroyed. The still had been hastily removed.

The next illicit distillery was that of Elijah Randolph, which contained a wooden still with copper bottom of 60 gallons capacity, copper worm, one tub holding 100 gallons of beer and 14 empty tubs. Elijah Randolph was arrested and bound over to the next term of the United States court.

Seized from Jim Montgomery his illicit distillery, containing 8 empty tubs, 10 gallons of singlings, and at his dwelling house we seized a keg containing 10 gallons of illicit whisky, for not being stamped in accordance with law, all of which were destroyed. The still had been hastily removed on receiving the information of our approach.

The next illicit distillery seized was owned by Thomas D. Stone and William Sherrill, who were arrested. Jasper Dunn was also arrested for working at the distillery. All three were bound over for their appearance at the next term of court. One copper still, cap, and worm of 125 gallons capacity, 13 tubs containing 1,500 gallons mash and beer, 70 gallons of singlings, and 24 bushels of meal and malt were destroyed.

Having traveled over 35 miles, we staid at Mr. Gentries's house, in Putnam County, Tennessee. At midnight three men came in and notified us that we would be attacked by a party outside if we failed to surrender the prisoners we had captured. We placed two of these men under arrest for the time being, and sent the third one back with the message that to attack us would be at the risk of the lives of the prisoners, and further consequences, as we would defend ourselves. After making considerable noise the remainder of the night, they withdrew without making an attack.

On the next day, June 15, 1877, we seized the illicit distillery of Potter Greenwood, of Overton County, containing 1 copper still, cap, and worm of 100 gallon capacity, 12 tubs of beer, holding 600 gallons, 13 bushels of meal and malt, which were all destroyed.

Traveled over 35 miles and reached Livingston, Overton County, Tennessee, where we were detained all day on June 16, 1877, in attending United States commissioner's court, disposing the cases of our prisoners in hand.

Andrew Merritt, who was arrested by us for working at the distillery of Potter Greenwood, was placed in jail at Livingston on the night of June 15, 1877; was released on June 16, 1877, by parties unknown to us, without authority.

June 17, 1877, we proceeded to the illicit distillery of James and Thomas Smith, in Jackson County, which being seized was found to contain 1 copper worm, 12 tubs with 1,440 gallons of beer, 80 gallons of singlings. For want of transportation the same were destroyed. The distillers had succeeded in removing the still. Distance traveled that day over 20 miles.

On June 18, 1877, we seized the illicit distillery of Samuel Johnson, containing 13 tubs holding 1,600 gallons of mash and beer, 2 empty tubs, 120 gallons of singlings, all of which we destroyed. Within 100 yards before we reached this distillery we were attacked by about 10 men shooting at us from the surrounding bluffs, and when leaving the distillery we were again attacked. We returned their fire both times, and the last time advanced on them to the top of the bluff, when they withdrew and ceased firing. Henry McClain, one of our men, got the tip of his left fore finger shot off; one horse was wounded in the flank, and one ball was lodged in the saddle pomel of one of our men's saddles. We received reliable information since that Samuel Johnson had been mortally wounded and died within four hours after the attack, and two other men were badly wounded.

We reached ——— Smallwood's house in the evening, riding 30 miles that day. On reaching his house we found one 22-gallon package containing about 13 gallons of corn whisky and one 5-gallon package containing about 2 gallons corn whisky on draft. The spirits was seized and destroyed.

On June 19, 1877, we proceeded to the illicit distillery of Robert Gentry and ——— Smallwood, in Putnam County, which being seized was found to contain one copper still, cap, and worm of 150 gallons capacity, 17 tubs containing 1,400 gallons mash and beer, 20 gallons corn whisky, and 40 gallons of singlings, all of which were destroyed. William Pippin was arrested by us and tried before United States commissioner for working at Gentry & Smallwood's distillery, and bound over for his appearance at the next term of court.

The next illicit distillery was seized from Robert Gentry and William Shanks, in Putnam County, Tennessee, which contained one copper still, cap, and worm of 200 gallons capacity, 20 tubs containing 2,000 gallons of mash and beer, 100 gallons of singlings, all of which were destroyed. Distance traveled 37 miles.

At Livingston A. M. Pierce was arrested for selling liquor without license or having paid a special tax. Reason Ogletree was arrested for failing to efface and obliterate stamp, mark, and brand on a 19-gallon brandy package, with the intent to refill the same. Both were bound over to appear at the next term of the United States court.

S. F. Carmack and John Stewart were arrested for illegally removing distilled spirits upon which the tax had not been paid, and while under arrest they stated that Deputy Collector Elisha Chastain had assisted them in the removal of said spirits; but before the conclusion of their trial they both succeeded in escaping from the guard. Also A. M Pierce made an affidavit charging said Chastain with illicit removal of distilled spirits upon which the tax had not been paid. Chastain was arrested and put on trial before United States Commissioner Brady; but the witnesses failing to appear, the warrant was quashed.

Becoming satisfied that any further attempt on our part to continue this raid would meet with such resistance that would lead to further loss of lives on both sides, and the horses being sore, and the men exhausted by hard travel and loss of sleep, I felt compelled to return to McMinnville, which was reached in the night of June 20, 1877, after a 32-mile ride. Here the raiding party was broken up and the men returned to their respective homes.

In conclusion, I would say that owing to the half civilized character of the people of this mountainous country, who labor under the belief that the attempt to enforce the existing revenue laws is an oppression of their rights and should be resisted by all means, it is not advisable to attempt any further raid for a longer period than 10 days, unless the raiding party is composed of at least 25 men well armed with Spencer rifles, and such arrangements made that when the horses become worn out fresh horses could be supplied.

Respectfully,

JNO. F. ELDER,
Deputy Collector.

Hon. D. B. CLIFFE,
Collector Fifth District, Nashville, Tenn.

UNITED STATES INTERNAL REVENUE,
COLLECTOR'S OFFICE, FIFTH DISTRICT TENNESSEE,
Nashville, October 13, 1877.

SIR: I have to respectfully report that a raiding party, consisting of Special Deputy Collectors J. M. Davis and M. L. Kiggins, and 8 men in charge of Deputy Collector

A. M. Hughes, jr., was organized by me at Columbia, Tenn., on September 12, 1877, for the suppression of illicit distilleries in Lawrence County, Tennessee. Near Marcella Falls the raiding party succeeded in destroying about 1,000 gallons of mash and beer, together with the tubs, singling stand, &c., upon the premises of John and W. Henson, and at the still-house of Joe and Hill Hendricks they destroyed the tubs and distilling utensils. They did not succeed in capturing the stills, as their approach was anticipated by the distillers and had been removed. Twenty-five miles south of Marcella Falls they destroyed the distilling utensils of one McDougal.

They next seized the illicit brandy distillery of Tom Copeland and Anderton, which contained one copper still of 85 gallons capacity and 2 casks of 20 gallons each of peach brandy, 2 mules, and one wagon. Copeland and Anderton were arrested, and upon trial before United States Commissioner Merrill, at Pulaski, Giles County, Tennessee, were bound over to appear at the next term of the United States circuit court at Nashville, Tennessee.

The raiding also proceeded to the house of U. Anthony, a notorious illicit distiller, in search of 9 barrels of whisky reported to be concealed beneath the floor of the house, but failed to find the spirits.

Thomas J. Williams is the person who gave the first information to my deputy, A. M. Hughes, and who guided him on the raid in Lawrence County. I have since received reliable information that the aforesaid Williams has been taken at night from his house by disguised men and murdered for rendering assistance and giving the information to the revenue officers.

Respectfully,

D. B. CLIFFE,
Collector Fifth District of Tennessee.

Hon. G. B. RAUM,
Commissioner Internal Revenue.

UNITED STATES INTERNAL REVENUE,
COLLECTOR'S OFFICE, FIFTH DISTRICT TENNESSEE,
Nashville, February 11, 1878.

SIR: I herewith inclose a slip from the morning paper, the leading Democratic paper of the State, showing the result of the last raid into the wild-cat region, as I have not yet received an official report from Deputy Collector Davis:

"United States Deputy Marshal James M. Davis left here last Saturday to undertake one of the most difficult and hazardous raids on illicit distillers yet made. He had with him about eight men, all well armed and equipped for the proposed expedition through Smith, Jackson, and Macon Counties. Nothing was heard of Davis until yesterday. United States Collector Woodcock, who will receive the first information when he reads the American this morning, had not heard anything from the party late yesterday afternoon, and was fearful that they had met with some bad luck, if something really serious had not happened to them. It appears that his fears were not altogether groundless, the party having had a desperate fight with an illicit distiller in Jackson County.

"The first man the raiders came across was George Tuggle, whom they found in possession of 10 gallons of unstamped whisky. James Haney, William Womack, and Sam Stidum, all of Jackson County, were arrested for the same offense, and were bound over to the United States circuit court, which convenes here in April.

"Having thus rid themselves of their prisoners, they set out to capture Campbell Morgan's noted fortified distillery, and were not disappointed in finding it just as it was represented to them. It was located in a hollow surrounded on all sides by densely wooded hills. The distillery stood out in the most conspicuous and formidable manner, with its double-lined doors and port-holes on every side, which plainly meant war to revenue men. When Davis and party got within 100 yards of the distillery, Morgan notified them to come no further, and declared that if they continued to advance he would 'kill the last G—d d—d one of them.' To this threat they gave no heed, but continued to press forward. When they arrived within 30 yards of the distillery, Morgan thrust his gun out of a port-hole and fired into the party, but without effect. Before he could withdraw the weapon from the port-hole it was shattered by their rifles. But this did not daunt Morgan in the least. He immediately brought out another gun, when the best part of the stock was shot off.

"The shooting had now become rather warm, if not red hot. Davis and Morgan were shooting at each other through the same port-hole, while two other men commenced a fire on the latter from two other port-holes. This was so unexpected to Morgan, who had evidently already been wounded, that he cried out to Davis that he would surrender, and asked him 'for God's sake, do not let your men kill me.' 'Open your door, then,' said Davis, 'come out and I will protect you.' Morgan did so with

alacrity, threw open the door and rushed into Davis' arms. Though one of his arms had been broken between the wrist and elbow, and two fingers shot from his left hand he nevertheless managed to throw his arm around Davis's neck, calling him 'Honey,' and asking him again not to let his men kill him. Davis again assured him that he should not be harmed.

"While the majority of the men went to work cutting up the still and destroying the tubs and their contents, some of them busied themselves in binding up his wounds as best they could with their handkerchiefs. This done, four or five of them carried him over to their home and there left him. In his distillery they found two double-barreled shot guns, three muskets, and two pistols."

Very respectfully,

W. M. WOODCOCK,
Collector.

Hon. GREEN B. RAUM,
Commissioner Internal Revenue, Washington, D. C.

UNITED STATES INTERNAL REVENUE,
COLLECTOR'S OFFICE, FIFTH DISTRICT TENNESSEE,
Nashville, February 16, 1878.

SIR: Herewith inclosed find another slip from newspaper, which shows that my special deputies made their last raid without horses, going up in a steamer and coming back in canoes:

"The next day the Sheriff of Jackson County, with 18 armed men, boarded the steamer at Gainsborough, supposing that Davis would get on between there and Granville, and when the steamer touched at the latter place there were 75 armed men there, the plot being evidently to not attempt the arrest of the deputies until their arrival at Granville, even if they should get on board above."

This shows that we have warm work ahead. The people up there believe that the operation of illicit distilleries is a part of their "inalienable rights," and being hardy mountaineers, they will make a resolute defense, and I fear some valuable lives are to be lost. Captain Davis proposes as a "counter-irritant" to the demonstration above referred to, to take a steamer and go clear to the head of the Cumberland, and leave notice at every landing that he is coming back on that steamer, examining the saloons at every landing as they go up. I have written the sheriff of Jackson County that my men will submit to a service of his warrants and will give bond, but they will not submit to being disarmed, for that would be equivalent to murder.

Very respectfully,

W. M. WOODCOCK,
Collector.

UNITED STATES INTERNAL REVENUE,
COLLECTOR'S OFFICE, FIFTH DISTRICT TENNESSEE,
Nashville, February 16, 1878.

SIR: I would respectfully state that my special deputies have during this month destroyed five illicit distilleries, two in Macon and three in Jackson County. Thirteen men have been held to bail in the mean time, four of whom are in jail here, the others having given bond. Of the thirteen, three are in jail for operating illicit distilleries, the others for selling illicit whisky, or having empty stamped packages in possession, or retailing liquor and tobacco without having paid special tax. One of the illicit distillers was arrested, who was so badly wounded that he could not be carried to trial, having lost two fingers from one hand and the other forearm badly shattered by a Spencer ball. His distillery was a regular stockade, provided with port-holes. He fired eight or nine shots on the deputies as they charged on his fort in broad daylight. Two guns were shot to pieces in his hands by volleys from the deputies, and Captain Davis finally shot the distiller himself (Campbell Morgan) through the same port-hole out of which he was firing.

The deputies' headquarters have heretofore been at Hartsville, in Trousdale County, but will to-day be moved to Bloomington Springs, in Putnam County (Double Springs post-office), at which point they will be surrounded on all sides by the wild-cat country.

They will in a week or two break the enemy's lines, and will then divide into two parties.

Very respectfully,

W. M. WOODCOCK,
Collector.

Hon. GREEN B. RAUM,
Commissioner of Internal Revenue, Washington, D. C.

TREASURY DEPARTMENT,
OFFICE INTERNAL REVENUE,
March 22, 1878.

SIR: I have your letter of the 18th instant, and fully note contents.

I have counted the cost of suppressing frauds in the manufacture and sale of spirits and tobacco, and am prepared to give you any reasonable allowance that may be necessary for your district to accomplish that purpose. The resistance in various parts of the country has been so violent that I have thought it expedient to authorize the raising of a large force, so as to overawe illicit distillers and prevent bloodshed, and also to create a healthy state of public opinion in regard to the ability and determination of the government to suppress these frauds. When this is done, and the backbone of this resistance is broken, there will be no difficulty in enforcing the law with the usual number of deputies.

I desire that the work shall progress in your district with as much speed as possible, and that illicit distilleries shall be at once broken up. While the appropriations for this work are now nearly exhausted, deficiency appropriations will be passed within the next ten days, from which I will make you such allowances as will be necessary to clean up your district.

You will understand I wish you to exercise your powers with economy as well as prudence and courage, and where a large force is employed to dismiss them as soon as the exigency ceases.

Very respectfully,

GREEN B. RAUM,
Commissioner.

W. M. WOODCOCK, Esq.,
Collector, Nashville, Tenn.

TREASURY DEPARTMENT,
OFFICE OF INTERNAL REVENUE,
March 26, 1878.

SIR: Your letter of the 22d instant, inclosing that of United States Commissioner Mather, bearing date the 19th instant, in regard to the enforcement of the law and the suppression of illicit distilling in your district, is duly to hand.

I am very much gratified at the energetic and vigorous manner in which you have taken hold of this business of suppressing frauds in your district, and, as I have heretofore stated to you, I will give you every needed assistance to fully vindicate the majesty of the law.

Very respectfully,

GREEN B. RAUM,
Commissioner.

W. M. WOODCOCK, Esq.,
Collector, Nashville, Tenn.

TREASURY DEPARTMENT,
OFFICE INTERNAL REVENUE,
March 28, 1878.

SIR: In reply to your letter of the 25th instant, you are authorized to expend $1,000 in the suppression of illicit distilling in your district.

If found necessary to use additional sums from the fraud fund, I can have you made a disbursing officer of that fund, so that you can receive funds to pay your force more promptly. Your accounts for expenses when received at this office shall be made special and passed through the accounting offices without unnecessary delay.

You are authorized to give to the press such portions of my letters as in your judgment will be beneficial to the public interests in building up a proper sentiment among the people favorable to the enforcement of the laws.

Very respectfully,

GREEN B. RAUM,
Commissioner.

W. M. WOODCOCK, Esq.,
Collector, Nashville, Tenn.

TREASURY DEPARTMENT,
OFFICE OF INTERNAL REVENUE,
April 2, 1878.

SIR: I have before me the Daily American of your city of the 27th and 28th ultimo, the one containing an article from the Sparta Index, entitled "A calm protest against unreasonable search and seizure"; the other, an editorial upon that article, entitled "The execution of the revenue law."

I desire that you shall call the attention of your deputy collectors to such provisions of law as warrant them to make searches and seizures and require them to comply strictly with those provisions. There is no question in respect to the authority of deputy collectors to make seizures of such property real or personal, as may be in use for the purpose of defrauding the government of its internal-revenue tax. The important thing in enforcing any law where seizures and arrests are made is to perform the duty in such manner as not to offend well-meaning citizens. The offense usually is not in the doing of the act itself, but in the manner in which it is done, for a lawful act may be done in so brutal and offensive a manner as to render the officer unpopular. I have every confidence that you will observe the law yourself in seeking to make others observe it, and I trust you will impress the importance of this upon your subordinates.

A bill is being considered by the Committee of Ways and Means which I have no doubt will pass the present Congress which more clearly defines the somewhat anomalous powers of deputy collectors and deputy marshals in making seizures and arrests.

Very respectfully,

GREEN B. RAUM,
Commissioner.

W. M. WOODCOCK, Esq.,
Collector, Nashville, Tenn.

TREASURY DEPARTMENT,
OFFICE OF INTERNAL REVENUE,
Washington, April 11, 1878.

SIR: I am in receipt of your letter of the 28th ultimo, inclosing a letter from Special Deputy Collector James M. Davis.

I have freely consulted with the Hon. Attorney-General in regard to the work of suppressing frauds on the internal revenue, and, while the appropriations for the Department of Justice are not sufficient to enable the Attorney-General to pay for posses to accompany the marshal, I have agreed that the expense shall be borne by this office, and that the collector's posse shall co-operate with the marshal's in making arrests.

I fully concur in the opinion of Special Deputy Collector Davis that, where you fail to seize the still, it is of great importance to arrest the distiller, but I hope that such co-operation will be had between your office and that of the marshal as will enable you to arrest all offenders.

I also acknowledge receipt of your letter of the 26th ultimo forwarding copy of report of Special Deputy Collector James M. Davis, reporting details of operations against distillers.

Very respectfully,

GREEN B. RAUM,
Commissioner.

W. M. WOODCOCK, Esq.,
Collector, Nashville, Tenn.

UNITED STATES INTERNAL REVENUE,
COLLECTOR'S OFFICE, FIFTH DISTRICT TENNESSEE,
Nashville, May 20, 1878.

SIR: I have the honor to report that on the afternoon of the 18th instant Special Deputy Collector Davis, accompanied by a deputy marshal, visited the illicit distillery of J. R. Tipton, six miles west of Tracy City, in Grundy County, for the purpose of destroying it. The distillery is situated in a cave, and the only convenient approach to it is through a long, rugged ravine. He had been assured by various persons that there was no danger, and for once in his life he was caught "napping." As they entered the distillery, a man who was operating it broke to run further down the ravine, and about the same moment several men, supposed to number about seven, who were

situated on a bluff over the distillery, but where they could not fire into it, but where they could completely command the road by which Davis entered, called out, "O, yes; damn you! we have you now." The deputy marshal remained in the distillery while Davis pursued the first-discovered man about three hundred yards, and succeeded in capturing him. He held on to his prisoner, and climbed one of the steep sides of the ravine, thinking to execute a flank movement on the attacking party, who were still under the impression that he was in the distillery. When he came within about one hundred yards of them, they discovered him and commenced firing upon him. He returned the fire, killing Jo. Haynes the first shot, wounding another at the second shot, and the third missed. When he pulled the trigger the fourth time, he discovered that his cartridge tube was empty. The enemy were retreating, though, and Davis and the deputy marshal also left bringing their prisoner. They did not deem it prudent to remain long enough to destroy the distillery, and had just left the ground when the attacking party returned and began firing on the distillery again, and continued to fire until Davis was out of hearing. My other special deputies were somewhere in the southwestern portion of the district, but I have sent out several messengers ordering them to repair at once to Tracy City. We will capture that distillery and every man concerned if they do not leave the country.

Very respectfully,

W. M. WOODCOCK, *Collector.*

Hon. GREEN B. RAUM,
Commissioner of Internal Revenue, Washington, D. C.

TREASURY DEPARTMENT,
OFFICE OF INTERNAL REVENUE,
May 22, 1878.

SIR: Your dispatch reporting the recent operations of Deputy Collector Davis in Grundy County was duly received.

I regret the happening of so great a tragedy in your district. The determined spirit of resistance must be overborne and broken down and overcome, and this can only be done by sending out such a force of men from time to time as will intimidate the breakers of the law from attacking. If you need any additional allowance from the appropriation for the detection and punishment of fraud, &c., to enable you to enforce the laws in your district please advise me, and the same will be made.

Very respectfully,

GREEN B. RAUM, *Commissioner.*

W. M. WOODCOCK, Esq.,
Collector, Nashville, Tenn.

UNITED STATES INTERNAL REVENUE,
COLLECTOR'S OFFICE, DISTRICT TENNESSEE,
Nashville, June 27, 1878.

DEAR SIR: In my former report in regard to our operations in DeKalb, White, and Putnam Counties I omitted to state that we were fired on from the bushes on several occasions. The first was on the 12th instant, in DeKalb County, while destroying a distillery said to belong to English and Johnson; the second time was at a distillery said to belong to J. R. Richmond, about three miles from Cookeville, Putnam County; we were also fired on while traveling a public road on the 19th instant, about seven miles east of Cookeville, Putnam County, but the country being rough and the timber having been blown down by the storm made it impossible for us to ascertain who did it.

I find from talking with some of the law-abiding citizens in the different counties through which we have passed that there is a general determination on the part of men who engage in illicit distilling and their sympathizers to stop our operations at all hazards, and armed resistance not proving very successful, as they have found to their sorrow, they now propose to have us arrested in every county, on some kind of a charge, require a large bond, and by the time we can make a bond every distiller has been notified to get his works out of the way. If such a thing is to continue I don't know how we are to manage it, unless we can induce some man who is worth his thousands to accompany us for the sole purpose of making our bonds.

Very respectfully,

J. M. PHILLIPS,
Special Deputy Collector.

Hon. W. M. WOODCOCK,
Collector Internal Revenue, Nashville, Tenn.

UNITED STATES INTERNAL REVENUE,
COLLECTOR'S OFFICE, FIFTH DISTRICT TENNESSEE,
Nashville, July 2, 1878.

SIR: I herewith transmit a report of Special Deputy Collector J. M. Phillips, which will give you some idea of the difficulties encountered, and those in prospect, in the suppression of illicit distilleries in my district.

My special deputies were frequently fired upon in their last raid, and were once arrested for alleged offense against State laws, and I have no doubt that is to be the plan of operations of the law-breakers in the future, as suggested by Phillips's report.

Very respectfully,

W. M. WOODCOCK, *Collector.*

HON. GREEN B. RAUM,
Commissioner of Internal Revenue, Washington, D. C.

TREASURY DEPARTMENT,
OFFICE OF INTERNAL REVENUE,
July 11, 1878.

SIR: Your letter of the 2d instant, inclosing report of Deputy Collector J. M. Phillips, in regard to the difficulty of enforcing the laws in your district, is to hand and has been duly considered.

If violators of the laws of the United States seek to shelter themselves from punishment by invoking the State writ for the arrest of officers of the United States while in the discharge of their duty, and the State officers with a knowledge of these facts lend themselves to this purpose, it will be proper for you, taking counsel with the district attorney, to prosecute these officers under section 3177, United States Revised Statutes.

It is about time that the people of all parts of this country should be brought to a realizing sense that the laws of the United States are paramount, and that the officers of the United States in the performance of their duty are to be protected by the laws and courts of the United States.

I fully appreciate the difficulties that you and your subordinates are called upon to encounter, and I regret the existing state of things, but as officers and citizens of the United States I think that it is our duty to work diligently and faithfully together to collect the taxes, suppress frauds, and completely vindicate the authority of the general government. If the officers of the United States are to be constantly thwarted in their efforts for a due enforcement of the laws by State process sued out at the instance of men who are constantly engaged in defrauding the government of its revenues, it is about time that the country should know it, so that a healthy state of public opinion can be brought to bear in aid of the officers of the law. It is my purpose to leave nothing undone that is lawful and proper to be done to enforce the laws and to protect the officers in due performance of their duty, and I desire that you shall communicate this fact to all the officers of your district, so that they can go forward with a full assurance that they will have the support of this office.

Very respectfully,

GREEN B. RAUM,
Commissioner.

W. M. WOODCOCK, Esq.,
Collector, Nashville, Tenn.

UNITED STATES INTERNAL REVENUE,
COLLECTOR'S OFFICE, FIFTH DISTRICT TENNESSEE,
Nashville, August 26, 1878—5.30 p. m.

SIR: I have the honor to inclose herewith slips from The American of yesterday and the Evening Banner of to-day, which I hope you will accept as my report until the unfortunate Overton County affair is brought to a termination. I feel anxious as to the fate of Davis and his men, lest my reinforcements did not arrive there in time.

Public sentiment, in the main, is with us. I will advise you at once upon the receipt of the first reliable news from "the front."

Very respectfully,

W. M. WOODCOCK, *Collector.*

HON. GREEN B. RAUM,
Commissioner Internal Revenue, Washington, D. C.

[Newspaper extracts.]

Collector W. M. Woodcock received the following dispatch yesterday morning:

"LEBANON, *August* 24.

"W. M. WOODCOCK, *Collector, Nashville:*

We were attacked yesterday at 6 p. m. by Campbell Morgan and band; under heavy fire for forty-five minutes. Phillips, Tippins, and Smith are wounded. I left the place at 7 p. m., when the firing commenced again. Davis dispatched Charles Strain and myself to you for one hundred men. Our ammunition is short. Get all the men you can. I will try and get some horses here. The place of attack is in Overton County nine miles north of Cookeville.

"LEE L. AYRES."

Collector Woodcock telegraphed the following inquiries:

"NASHVILLE, *August* 24.

"How many horses can you get? Are the parties seriously hurt?

"W. M. WOODCOCK."

"LEBANON, TENN., *August* 24.

"W. M. WOODCOCK, *Collector:*

"Can get no horses. Phillips is shot through the left side; Tippins scalped under the right eye; Smith shot in the left arm in three places. Will be down on the evening train.

"LEE L. AYERS."

Collector Woodcock immediately telegraphed the above facts to Commissioner Raum and received the following in response:

"WASHINGTON, D. C., *August* 24.

"To W. M. WOODCOCK, *Collector, Nashville, Tenn.:*

"You are authorized to employ as many men as you may deem necessary to constitute a posse to aid you in the enforcement of the internal-revenue laws in Overton County.

"GREEN B. RAUM,
"*Commissioner.*"

Lee L. Ayres and C. W. Strain reached here last evening from Lebanon, to which place they had ridden through the night, sixty-two miles, and reported at once to Collector Woodcock, who was waiting for them at the revenue office. They said:

"Our party consisted of Special Deputy Collector James M. Davis, Robert Brown, Robert Rawles, C. E. Tippins, J. M. Phillips, Felix Young, James Spears, Press Smith, Milt Howe, United States Commissioner S. D. Mather, and ourselves. We had that day cut up the illegal brandy distillery of Brown & Bradley, not more than three miles from where the fight occurred. The scene of the action was nine miles northeast of Cookeville, and between Gainsborough and Livingston, at the house of James Peek, on Spring Creek, in Overton County. We expected to stay at Peek's over night, having had one of the hardest rides of the whole season. Some of the men had gone in the house. Spears and I were on the outside, discussing with him the age of James Peek, who has attained his 102d year. David and Phillips, the latter unarmed, walked down into the garden. As they started around it a single shot was fired and smoke was seen to rise from a hill covered with trees, about one hundred yards distant. Instantaneously Phillps placed his hand to his left side and in great agony cried out 'O, Lordy,' and the response from the enemy was, 'O, yes, G—d d—n you!' Some twenty or thirty of them now appeared, and from a light skirmish the fire began to be heavy and regular. At least a hundred shots were fired on each side. The firing continued for forty-five minutes. The illicit distillers, hugging close to trees, steadily advanced until they got within fifty or seventy-five yards of us. Smith was shot in the arm three times, but he still held his ground, cursing the enemy and telling them to come out from behind the trees and fight like men. He was now opposed by six men, and though his arm was shot, as stated, in three places, and was bleeding profusely, he refused to give up his gun to Commissioner Mather, saying that he would fight now until he fell. Tippins was wounded under the right eye, but continued to stand up with the boys. Phillips had to be taken into the house at the very first fire; his wound may prove fatal. Twice they attempted to charge us, and twice we repulsed them. Smith said he saw one of them fall. Ayres was sitting down in a corner of a fence watching his chance, and

as a man, said to be Campbell Morgan, came out from behind a tree, he raised his rifle, took deliberate aim, and fired. The man staggered back, and was lost to sight. Many of the illicit distillers must have been wounded, for we wasted no ammunition, and kept ourselves on the defensive. At the end of the time already specified, there came a lull, and positions were considerably changed. Davis then ordered us to Nashville at once, telling us to go with the utmost speed, even if it killed our horses, as he intended to stay by Phillips or die. Leaving our ammunition and guns, we mounted our horses and rushed away. Our party had over 100 rounds of ammunition left, and Davis said he did not propose to lose one shot; he intended to make every one count. When we had reached a point half a mile distant the skirmish had begun again, sometimes rapidly, and sometimes at intervals. We heard this until we had gone entirely away, and how it turned out we can form no conception. The people told us, as we traveled along the road, that the illicit distillers had been preparing for a week to attack us. The wild-cat men used shot-guns, pistols, and rifles. As we passed by Cookeville, we asked Dr. Langford to go to Peek's and attend the wounded, and he said he would do it. Rawls had the rim of his hat shot through twice.

"Collector Woodcock says he has information that a load of guns was shipped to the locality of the fight a week ago. He applied to Governor Porter for arms, and secured the use of twenty breach-loading rifles. He obtained the necessary ammunition from the hardware stores."

The following telegram was sent by Lee L. Ayers, who took an escort of eighteen men from here Saturday night:

"LEBANON, TENN., *August* 25.

"To WM. WOODCOCK, *Collector:*

"Late news by stage-drivers from Cookeville; three citizens killed, and five or six of Davis' men wounded. I start with ten men at once. Davis still holds the fort.

"LEE L. AYRES."

The subjoined letter, which was dated at Lebanon, 9.30 a. m. yesterday, was received this morning:

"LEBANON, *August* 25, 1878.

"Colonel WOODCOCK, *Collector:*

"I had to leave four men because I could not get horses until to-morrow morning. I received information from Cookeville stage-drivers that three citizens were killed, and five or six of our boys wounded. I go to the scene of conflict with all haste, taking with me ten men. Will try to get there by midnight to-night. The others will start in the morning. The stage-driver said that the people were rising to attack Davis. This is all I can learn.

"Yours, in haste,

"LEE L. AYRES."

From the above information it is presumed that the recent fight in which the above parties were killed and wounded was a continuation of Friday's battle.

Cookeville is about sixty miles from Nashville, and as there is no telegraph station there, it is impossible to receive the latest information from the seat of war.

Collector Woodcock will send fifteen or twenty men to Overton County to-night from this place, and has ordered B. F. Ragsdale, deputy collector at Decherd, Franklin County, to go immediately to Overton County with at least ten well armed men to assist in quelling the disturbance.

The eighteen men that Collector Woodcock sent from here Saturday night left on horseback about nine o'clock and arrived at Lebanon at an early hour yesterday morning.

Commissioner Raum, of Washington, sent the following telegram to Collector Woodcock, this morning:

"WASHINGTON, *August* 26—11 a. m.

"To W. M. WOODCOCK,

"*Collector, Nashville, Tenn.:*

"The desperate spirit manifested by illicit distillers in your district is such that I wish you to organize parties of sufficient strength to deter resistance, and with the aid of the marshal's deputies seize every illicit distillery in your district. If necessary to this end you may employ forty men for thirty days, and longer, if necessary. Answer.

"GREEN B. RAUM, *Commissioner.*"

Collector Woodcock sent the following response to the above telegram:

"NASHVILLE, *August* 26, 1878.

"To the Hon. GREEN B. RAUM,

"*Commissioner of Internal Revenue, Washington, D. C.:*

"Reinforcements forwarded in time to reach Davis last night. I will put the matter through and be done with it, if possible. Latest rumor, unofficial, three outlaws

killed, and several wounded. Five or six of Davis's men wounded. Great difficulty in obtaining horses for reinforcements.

"W. M. WOODCOCK, *Collector.*"

TREASURY DEPARTMENT,
OFFICE OF INTERNAL REVENUE,
August 31, 1878.

SIR: I acknowledge the receipt of your letter of the 28th instant, inclosing a printed report from United States Commissioner Mather of the attack of illicit distillers upon the party of deputy collectors at the house of Mr. Peek, in Overton County.

The men making this attack were evidently bent on murder, and while it is probably impracticable to prosecute all of the men engaged in the attack, the leaders of it should be arrested and brought to punishment. You are directed to cause the issuing of warrants for the arrest of the ringleaders, under section 3177 United States Revised Statutes, and place them in the hands of the marshal, and inform him that you are prepared to furnish him a posse of forty men, if necessary, to aid in the arrest of these parties.

If you find that any man of property has been engaged in the business of illicit distilling, ascertain, as near as may be, the amount of whisky he has made and removed from his distillery, and report the same for assessment, so that you may be able to seize upon and sell his real and personal estate to pay his taxes. I desire that you shall bring into operation all the penal provisions of the law that have been violated against these men.

As stated in my dispatches, I desire that you shall organize suitable parties of deputy collectors for the seizure of all illicit distilleries in your district. Individuals and communities must be given to understand that they must observe the law, otherwise that its severest penalties will be put in operation against them.

It seems from the report of conversation with the attacking party that they have a special grudge against Captain Davis. Please consider the question whether his presence stirs up a spirit of resistance. I am not disposed to yield to a clamor against Captain Davis, but if there is a settled prejudice in the minds of good citizens against his leading your posse against illicit distillers, I think it would be proper for you to yield to that state of feeling and appoint some other person for that work.

Very respectfully,
GREEN B. RAUM,
Commissioner.

W. M. WOODCOCK, Esq.,
Collector, Nashville, Tenn.

[Telegram.]

TREASURY DEPARTMENT,
OFFICE OF INTERNAL REVENUE,
September 17, 1878.

W. M. WOODCOCK,
Collector, Nashville, Tenn.:

Your contemplated raid with fifty men, reported in letter of 13th, is approved. Employ only discreet and proper men. Exercise strict economy, and dispense with force as soon as possible.

H. C. ROGERS,
Acting Commissioner.

UNITED STATES INTERNAL REVENUE,
COLLECTOR'S OFFICE, FIFTH DISTRICT TENNESSEE,
Nashville, September 30, 1878.

SIR: Fifty-four men left Lebanon Saturday at noon, going to Jackson. Through a misunderstanding between Deputy Collector Phillips and Deputy Collector Brown, twelve more men left Lebanon this morning to overtake the party. This will be sixteen more men than you have authorized me to send, but all persons here concur in the opinion that the sixty-six men will be too few if the law violators should undertake to resist, and there is no doubt they have made great preparations to do so.

They have sent to this city and purchased a number of Henry and Spencer rifles, but I am not able to learn how many. Merchants from Jackson County inform me that there has been a large trade in powder and buck-shot since the battle of the 24th ultimo.

Very respectfully,

W. M. WOODCOCK, *Collector.*

Hon. GREEN B. RAUM,
Commissioner of Internal Revenue, Washington, D. C.

UNITED STATES INTERNAL REVENUE,
COLLECTOR'S OFFICE, FIFTH DISTRICT TENNESSEE,
Nashville, October 1, 1878.

SIR: I have the honor to inform you that Deputy Collector Davis went to Tracy City the 19th instant to attend the sitting of the circuit court (State), at which session the motion for the removal of the cause of the State *vs.* J. M. Davis, for murder in the first degree (killing Haynes) to United States courts was to be argued. The judge ordered the papers to be transferred in accordance with mandate of United States court.

The 18th instant, as Davis and some of his friends were walking from the court-house to their boarding-house for dinner, they were fired upon by some persons concealed in a thicket in the outskirts of the village, and James Spears, who was Walking by Davis's side, was fatally wounded, and died the 29th instant, near Fayetteville.

Davis's friends returned the fire of the assassins and gave chase, but they escaped. The judge of the circuit court presented the matter to the grand jury in a vigorous charge, but no clew has, as yet, been obtained as to who the perpetrators are. The citizens of that county have not held any indignation meetings nor have they written any flaming epistles to the papers denouncing the would-be assassins as murderers, &c.

The whole affair forms a striking comment upon the agitators of that county, who have so vehemently protested that they were a law-abiding people, and that if Davis would not remove his cause to the Federal court he should have a fair trial in Grundy County.

Very respectfully,

W. M. WOODCOCK, *Collector.*

Hon. GREEN B. RAUM,
Commissioner of Internal Revenue, Washington, D. C.

SATURDAY NIGHT,
Netherland, Tenn., October 5, 1878.

DEAR SIR: Since writing my report from this place, we have been up in Overton and Fentress Counties, doing the best we could. At Livingston we separated, Captain Phillips taking part of the men and myself the other, he going to Monroe and I to the Nettle Carrier Creek, each looking after stills. We camped near each other the first night, and he got a still and my men got the distiller and some other parties. In the morning I got information of a number of stills up west fork of Obia River, five or six miles distant, and I sent Captain Phillips word that I would work up west fork, and that if he would go up east fork he could get game, and meet next day and make our way back to Roaring River. I went up west fork and found four distilleries that day, and got shot into twice, and heard of more stills beyond. I thought as long as we were meeting with resistance we had better clean them out while we had men enough. That night my messenger returned and said he could not find Captain Phillips, but thought he was at work up in the mountains. The next morning I was near some stills, and I concluded to get them. We went up a mountain so high that we could see half over the State, and found Craven's distillery and got the whole works and 100 gallons of brandy. We then went five or six miles to Stevens's distillery, and found his still for which he has given bond, but a government officer has never been there and no registry or survey never been made. That is the way things have been going up there; a man makes a bond, and then runs a wild cat till his coppers wear out. One told me that he only renewed his bond when his sureties died, and they hardly ever die.

I don't suppose when the honorable Commissioner directed that all facilities be given brandy distillers to make brandy, that he intended them to hide their illicit business under a sheet of paper instead of a mountain gorge.

I had guides employed two days, who say they can keep showing me stills for two or three weeks, which never have been seen or known by the revenue service. In

fact I was told we were the first revenue men who had ever penetrated that country. The mountain is simply overwhelming, and the moving of so many men is out of the question. We will have to take eight or ten good men and go up and stay there a while.

At this last still I heard Captain Phillips was working his way back to Livingston, and so I gave up further pursuit and crossed the ridge that evening and got within ten miles of Livingston that night, and couriers reached me that Phillips had passed Livingston and had gone out to Roaring River toward Clay County to get some stills, and then meet me and go to Jackson County at Crawford's mill; he attempted to cross, and found a large body of men on the cliffs above him. He sent one-half his men above to cross at another ford, some little distance, and after crossing they reached an open field where they saw a large number of men in the field there also. About the time they saw them the other party lay down, and by the time our men had dismounted they opened fire. The firing then begun on both sides, and the number of the enemy increasing rapidly. Captain Maupin, with his squad, fell back firing. By the time they had got back across the stream they were closing in on all sides. It is simply impossible to describe the nature of the ground. All along Roaring River, where those men hold their native fortresses, there is a series of cliffs from a hundred to three hundred feet high, and the roads are right under them, and it is simply impossible to fight an equal number of men there. In addition to this, the wind this summer has prostrated about half of the forest trees through this portion of the State, making all the wood-lands impassable almost for men on foot, and only some two or three roads are cut out through the country, and these are the only means of ingress or egress.

Being in one of these defiles and finding he had only a few men compared with them, Captain Phillips thought it best to get out of there. It is rumored that in the fight one man was killed and two wounded. Our men being lower, the shots passed over their heads. Had our men not discovered them as they did, they would have been caught in a narrow pass, where they could have been killed at leisure. Captain Phillips came back to Livingston, where I found him this morning. A number of men came to us saying that they were waiting for us all along the Roaring River country, and squads were even in sight of town, and that they had good Henry rifles and any amount of ammunition. I was told also that the Cookeville road, that is, this road was the only road open for us to get out. I concluded we could not fight them from this side, anyway, where we could not get a courier through if we needed to ever so bad. And besides, we have scarcely any ammunition, and another fight would leave us without any, and also about half the men are ready to leave, and four have left for home. We have a good many good men, but with such a squad you must have military discipline and authority to make them come to the scratch. I thought we had better come here and see if we could not make our way down to Gainesboro; and, if we have to fight again, to do so from the Nashville side. I hear they intend to fight us as we go out, no matter which way we go. I don't know how true it is. But I am getting weary of working along with just such men as we have to pick up when we have soldiers quartered and doing nothing in Chattanooga and Atlanta, and who might be here helping us and earning their rations.

I was told by a very responsible citizen that they had 180 men ready to meet us, provided with infantry, cavalry, rations, Henry rifles and two boxes of ammunition. I don't swallow all that, but I know there are men at every cross-road and men following us all the time, and couriers going all through the country, and everywhere we meet them they outnumber us two to one.

I don't think it our duty to go into their traps to be killed, or lead our men there, unless there is some prospect of their fighting their way out. This can only be done by having men enough, ammunition enough and then taking it on foot, and playing at their own game.

Very respectfully,

S. D. MATHER.

Colonel WOODCOCK.

UNITED STATES INTERNAL REVENUE,
COLLECTOR'S OFFICE, FIFTH DISTRICT TENNESSEE,
Nashville, October 9, 1878.

SIR: I have the honor to report that the big raid is still in progress. Jackson County is apparently invincible. My raiders can march through the county and receive the fire of the enemy from every hill-top and return the fire, but the nature of the ground is such that no arrests of the armed violators can be made. In a skirmish between twelve of my men and forty or fifty law-breakers last Friday, it is quite probable that four of the law-breakers were killed; one mortally and one slightly wounded. In another skirmish the same day, it is thought another law-breaker was killed. So far, nine illicit distilleries have been destroyed and several of the distillers arrested

and bound over. This is the first big raid of my administration, and I am now convinced that nothing can conquer Jackson County but to camp a strong force in that county to remain there for months.

Very respectfully,

W. M. WOODCOCK, *Collector.*

Hon. GREEN B. RAUM,
Commissioner of Internal Revenue, Washington, D. C.

TREASURY DEPARTMENT, OFFICE OF INTERNAL REVENUE,
Washington, December 4, 1878.

SIR: After conferring with Deputy Collector Wheeler, in relation to suppressing illicit distillation in your district, I have thought best that you should make a vigorous movement in Fentress County, in co-operation with Collectors Landram, of the eight district of Kentucky, and Cooper, of the second district of Tennessee.

You will organize a force of from ten to twelve picked men, put them in charge of an efficient deputy, and concentrate them at McMinnville, in Warren County, thence they will move through Warren, De Kalb, and Putnam Counties to Jamestown, in Fentress County, where I wish them to assemble on the 18th instant. You will direct Davis's party, which is supposed now to be operating in Jackson County, to join them at that point at the time named. Collector Cooper will be instructed to concentrate a force on the 18th at Huntsville, in Scott County, and Collector Landram will be instructed to concentrate his force at Monticello, in Wayne County, at the same time.

The officer in charge should be instructed to communicate with the forces from the eighth Kentucky and the second Tennessee, for the purposes of effective co-operation through Scott and Wayne Counties, while your force thoroughly scours Fentress County, seizing all the stills and arresting all the operators thereof possible.

I desire that you give your personal and prompt attention to this matter, and so perfect the organizations as to preclude the possibility of failure.

It would be well for you to at once put yourself in telegraphic communication with Collectors Cooper and Landram, so that there may be no misunderstanding in regard to the matter.

The expenditures will be covered from the allowance of $2,000 made you for the present month.

Advise me of the receipt of this letter and the progress you make in carrying out these instructions.

Respectfully,

GREEN B. RAUM,
Commissioner.

W. M. WOODCOCK, Esq.,
Collector of Fifth District, Nashville, Tennessee.

UNITED STATES INTERNAL REVENUE,
COLLECTOR'S OFFICE, FIFTH DISTRICT TENNESSEE,
Nashville, January 21, 1879.

SIR: I have to inform you that between the hours of 3 and 4 o'clock a. m., the 17th instant, eight armed men entered the town of Livingston, Overton County, and attempted to rescue from jail one Thomas Moore, who had been placed in jail on the 12th instant, for illicit distilling. While the mob was negotiating with the jailor for the key, the sheriff was summoning a posse which soon opened fire upon the outlaws, who thereupon fled. This is to me very encouraging, and so unusual for a State officer that I think said sheriff entitled to especial favorable notice.

Very respectfully,

W. M. WOODCOCK, *Collector.*

Hon. GREEN B. RAUM,
Commissioner of Internal Revenue Washington, D. C.

LIVINGSTON, TENN., *February* 12, 1879.

DEAR SIR: I write you this letter at the request of many of your old friends in this county. Our immediate Representative in Congress, Mr. Riddle, being sick, we take the liberty of addressing you.

The people of this, Jackson, and Clay Counties, are much troubled on account of the very many arrests that are being made by the revenue officers and marshals. A large number of persons have already been arrested and others will soon be. Many citizens are leaving the country and some have already left. The charge for which they are being arrested is for unlawful stilling. Many of them are arrested for working in stills, and others for having small quantities of corn or meal distilled. All, or nearly all, of these offenses, were committed by the poorer class of men, and in total ignorance that it was unlawful. Many cases are where very poor men work at 50 cents per day to cut wood for the man who was running the unlawful still.

The arrests are so numerous that the citizens are much alarmed and troubled. If all who were guilty of these offenses were taken and tried in the Federal court it will almost break up many neighborhoods and impoverish many good families. I write to know if there can be any relief. And I further state that in all these counties unlawful distilling has entirely, and I believe forever, quit. Under these facts could a pardon be procured?

An effort is now in hands to procure me to go to Washington to see what can be done, but I have declined going unless I could have hope of doing something for these unfortunate people.

If you will give this matter consideration and advise me what is best to do, you will confer a great favor to many old friends in these counties. Please write soon.

Your friend,

W. W. GOODPASTURE.

General G. G. DIBRELL.

HOUSE OF REPRESENTATIVES,
Washington, February 15, 1879.

Respectfully referred to Hon. G. B. Raum, Commissioner of Internal Revenue, with an earnest request that he grant the relief called for in this letter, and that he instruct Collector Woodcock not to suffer his deputies to arrest citizens on frivolous charges.

Judge Goodpasture, the writer of this letter, is a reliable gentleman; has been chancellor and circuit judge in Tennessee, and was the Hayes and Wheeler elector in the fourth district of Tennessee. I indorse him fully.

G. G. DIBRELL.

LIVINGSTON, OVERTON COUNTY, TENNESSEE,
February 15, 1879.

DEAR SIR: I write you this in relation to matters not related to your department, but as you are the only Cabinet officer with whom I am acquainted, I take the liberty to write to you, and I hope you will be so kind as to answer and favor me with your advice in the matter.

For several years unlawful distilling has been carried on to a considerable extent in this, Jackson, Putnam, and Clay Counties. The revenue officers have now succeeded in breaking up all such stills, and at this time, I am informed, not a still of the kind is being run in either county. But just now the trouble is upon the offenders; I suppose in the counties named there are at least 500 men who have violated the law, and are now under arrest, have been arrested, or will be arrested.

As a general thing the principal offenders have fled the country, or have already been indicted, and their cases disposed of in the Federal court. The class now being arrested are a very poor class of men, who violated the law by being hired to do work about these little stills, or for taking small quantities of corn or meal to the stills to be distilled or swap for whisky. The entire thing has been upon a small scale, and these unfortunate offenders offended in ignorance of the law, or that they were violating the law. The class now in trouble are a poor class of men and wholly unable to pay the expenses, costs, and fines if tried in court.

Men are leaving their country and leaving their poor wives and children destitute. I am advised that alone in this county not less than 200 men of this class have or will be arrested if found.

Under these facts and circumstances, would the President entertain an application for general pardon. I have been appealed to by many good citizens of these counties to write, and, if necessary, go to Washington in behalf of these people. This very large number of men who are thus involved, I am well assured, acted in ignorance of law. I have written General Dibrell on this matter. If the President could be induced to extend a pardon, if necessary, I will get up a full statement of all the facts and go and present them.

I dislike to trouble you in this matter, but hope you will pardon me for doing so, and will be so kind as to reflect upon the matter and give me your advice, &c.

Respectfully, your old friend,

W. W. GOODPASTURE.

Hon. D. M. KEY, *Washington*.

Repectfully referred to the Secretary of the Treasury for the Commissioner of Internal Revenue. The writer is an original Republican; was appointed circuit judge by Governor Brownlow, and is an old resident of Tennessee. I should like to know what the Commissioner is inclined to do in these cases.

D. M. KEY,
Postmaster-General.

FEBRUARY 18, 1879.

TREASURY DEPARTMENT,
OFFICE OF INTERNAL REVENUE,
February 21, 1879.

SIR: Your letter of the 12th instant to the Hon. G. G. Dibrell, and that of the 15th instant to Hon. D. M. Key, Postmaster-General, have been referred to this office and have received my careful consideration.

I note your statement in your letter to Mr. Dibrell that "if all who are guilty of these offenses are taken and tried in the Federal court it will almost break up many neighborhoods and impoverish many good families," and your statement in your letter to Judge Key that you "suppose in the counties named there are at least 500 men who have violated the law and are now under arrest, have been arrested, or will be arrested," and I also notice your statement that although for several years unlawful distilling has been carried on in Overton, Jackson, Putnam, and Clay Counties, the revenue officers have succeeded in breaking up all such stills, and that at this time you are informed not an illicit distillery is being operated in either of said counties. I also observe your urgent request that leniency shall be extended toward those violators of the law, and that you favor their pardon by the President.

The frauds of which you make mention have been carried on for a number of years and the government has lost large amounts of revenue, and in many instances when the officers of the law have attempted its enforcement they have met with armed resistance at the hands of the law-breakers, among whom such a community of interest prevails that upon short notice a large force could be rallied with arms in their hands to drive out the internal-revenue officers. Such resistance made it necessary to organize large forces of officers at great expense so as to overcome all resistance, and as these operations have gone on from time to time serious conflicts have occurred, resulting sometimes in the killing or wounding of the parties engaged. The primary cause of these troubles was the violation of the law by the illicit distillers, who do not hesitate to resort to the State courts for the prosecution of the officers of the United States, and at this time some of our officers are under indictment and under bond to answer the same. Now that the illicit distillers are in a fair way to be brought to deserved punishment, they apply for the pardon of the President, and not an intimation is made that any forbearance will be shown to the officers of the United States after such pardons are granted. It may be true that some of the officers were guilty of excessive force in their efforts to enforce the law and will be amenable to punishment, but, as shown by your letter, whole communities in those counties are amenable to the laws of the United States and are liable to punishment.

I have no disposition to see all these men punished, and will favor punishment only as a means of reformation and repression. I am not, however, willing to take a step in the direction of leniency to these offenders until I am fully satisfied that there will be a better observance of the law in future, and that our officers will not be met with forcible resistance at every turn; and as a preliminary to leniency on the part of the Government of the United States, I must insist upon the abandonment of all prosecutions against the officers of the United States of whatever character.

With a disposition on the part of the people to support the government in its efforts to enforce the laws, and these old scores wiped out, I have no doubt that a better state of things would dawn upon your section of the State, and no one would be better pleased to see it than myself.

Very respectfully,

GREEN B. RAUM,
Commissioner.

Hon. W. W. GOODPASTURE,
Livingston, Overton County, Tennessee.

TREASURY DEPARTMENT,
OFFICE OF INTERNAL REVENUE,
March 3, 1879.

SIR: I acknowledge the receipt of your valued favor of the 28th ultimo, and note the fact that you have made a gain in collections for February of this year of $12,742.44

as compared with the same month last year. The results in your district and many other districts conclusively show that the enforcement of the laws brings revenue.

Please accept my thanks for the efficiency and zeal with which the business of your office and district have been conducted.

Very respectfully,

GREEN B. RAUM,
Commissioner.

W. M. WOODCOCK, Esq.,
Collector, Nashville, Tenn.

[Telegram.]

TREASURY DEPARTMENT,
OFFICE OF INTERNAL REVENUE,
March 17, 1879.

W. M. WOODCOCK,
Collector, Nashville, Tenn.:

Obtain warrants for all who participated in the release of prisoner at Hartsville, and employ all the men necessary to aid the marshal in their arrest. Act promptly. The supremacy of the law must be maintained, and you shall have sufficient force to enable you to do it.

GREEN B. RAUM,
Commissioner.

UNITED STATES INTERNAL REVENUE,
COLLECTOR'S OFFICE, FIFTH DISTRICT TENNESSEE,
Nashville, March 18, 1879.

SIR: I wrote you on the 15th instant, informing you of the seizure, in Macon County, on the 13th instant, by Deputy Collector Strain, of two mules, one wagon, one copper still, &c., and the capture of four prisoners, and the bringing of all to Hartsville. The prisoners were all held to bail by United States Commissioner Harris, and one of them, in default of bail, was committed to jail. The seizure and captures were made by Strain, with only one assistant. They were on business in Macon County as deputy marshals and not as deputy collectors; but, hearing of the distillery, and Strain still holding an unexpired commission from me as deputy collector, they made the seizure.

As they had a number of court papers to serve they stored the property at Hartsville, that they might work in that county until the night of the 16th, making arrests and serving subpœnas, intending to start to this place with the property on the morning of the 16th. Late in the night of the 15th, while Strain and companion were sleeping in their hotel at Hartsville, 52 armed men dashed into town, went first to the jail so quietly and called the jailer's name so familiarly, that he unsuspectingly came out, when they presented arms at him, demanded the keys, and released the prisoner, then seized the captured property and left.

The whole affair was conducted so quietly as not to arouse Strain, and several citizens in attempting to get to his hotel to give him notice of the affair were arrested and detained until the party were leaving town. As soon as he was aroused, he with his one companion gave chase, but the outlaws were so shrewd as to throw him on the wrong road for several miles, and when his mistake was discovered pursuit was useless. The party taken from jail was a Kentuckian, who had recently moved his distillery into Tennessee, and for that reason I am of the opinion that a considerable number of the outlaws were Kentuckians. Strain says that the citizens of Hartsville will identify some of the party as citizens of Macon County, and he has gone back armed with warrants for their arrest.

For my part I doubt the propriety of sending a large force up there just now, but will do so as soon as I think the excitement has passed away. I do not think there will be any organized resistance, but simply an attempt to evade arrest.

Very respectfully,

W. M. WOODCOCK, *Collector.*

Hon. GREEN B. RAUM,
Commissioner of Internal Revenue, Washington, D. C.

NASHVILLE, *April* 12, 1879.

MY DEAR SIR: I inclose a letter which will explain itself. As the parties in interest live in your district, I will send it to you. I want you to call on the President and give him all the facts, and urge him to extend clemency to these men. I want you to say to him that it is my opinion, that if he will grant these men pardon he will do more to stop illicit distilling than all the Federal courts in the State. To induce him to take action, say to him, we will publicly pledge for these men, that they will stop illicit distilling.

Your friend,

ALBERT S. MARKS.

Hon. BENTON MCMILLAN,
Washington.

Send me the Record.

To His Excellency RUTHERFORD B. HAYES,
President of the United States:

The undersigned Senators and Representatives in the Congress of the United States from the State of Tennessee, respectfully state that a great many indictments have been made, and are pending against citizens of the State of Tennessee, in the district courts of the United States in said State, for alleged violations of the internal revenue laws of the United States, in the manufacture and sale of distilled spirits, in the sale of tobacco, and for the alleged resistance of the officers of the law, &c.

They state further, that there are also some indictments pending in the State courts of Tennessee, against the officers of the United States, and those acting with them in the internal-revenue service for the alleged killing of, and attempting to kill the citizens of the State; that in some of the cases bonds have been forfeited by the parties so indicted in the State courts, conflicts of jurisdiction have arisen, and that thereby said matters have become very complicated and troublesome.

They state that they confidently believe there is a growing sentiment among those who have heretofore been engaged in illicit distilling, &c., to abstain from further violations of the law, and to erect lawful distilleries.

Your petitioners state, without hesitation, that they believe that by universal amnesty to said parties, by both State and national authorities, and the pardon of all past offenses, lasting peace and prosperity can be restored more quickly and effectively than in any other way.

Therefore, they pray that general amnesty be extended to all parties charged or indicted, as above indicated, in the State of Tennessee.

CASEY YOUNG.
BENTON MCMILLAN.
G. G. DIBRELL.
ROB'T L. TAYLOR.
JNO. D. C. ATKINS.
CHAS. B. SIMONTON.
JOHN F. HOUSE.
L. C. HOUK.
JNO. M. BRIGHT.
W. C. WHITTHORNE.

I concur in the foregoing.

ISHAM G. HARRIS.
J. E. BAILEY.

OFFICE OF SECRETARY OF THE UNITED STATES SENATE,
Washington, April 15, 1879.

SIR: Having learned that there is an effort to effect a compromise and adjustment of the difficulties in Tennessee growing out of the violations of the internal-revenue laws and violations of the State laws by the officers of the revenue service, this is written to assure that I think such an arrangement would be productive of great good. If amnesty is extended to those charged with offenses against the revenue laws, and resistance to revenue officers, I will advise a *nol pros* in all cases against the officers and agents in the State courts. In the case of the State of Tennessee *vs.* J. M. Davis, now pending in the Supreme Court of the United States, I desire an opinion, and will not agree to dismiss the case until an opinion is delivered, but if the case is remanded to the State court, I will advise its dismissal, and if the Supreme

Court holds the United States circuit court has jurisdiction, I will refuse further to prosecute.

Respectfully,

BENJ. J. LEA,
Attorney-General of Tennessee.

General G. B. RAUM,
Commissioner of Internal Revenue.

TREASURY DEPARTMENT,
OFFICE OF INTERNAL REVENUE,
April 16, 1879.

SIR: For a number of years the illicit manufacture of spirits has been carried on by a great number of persons in the fifth district of Tennessee. During the past eighteen months extraordinary measures have been taken to suppress these frauds by arresting the illicit distillers, and seizing the illicit distilleries. In many cases the officers of the United States met with forcible resistance, and it became necessary to organize and arm large parties of men to assert the supremacy of the law, and to overcome this resistance. I have no doubt the officers at times found it necessary to resort to very harsh measures, in fact, men on both sides have been fired upon, and in some cases killed or wounded.

A persistent effort for eghteen months to enforce the laws has resulted in the complete demoralization of the illicit distillers, and has convinced them thoroughly of the intention and ability of the government to suppress these frauds and bring them to condign punishment. They now plead for leniency, and you will observe from the inclosed communications that Governor Marks and Attorney-General Lea, of Tennessee, seconded by the Senators and members of Congress from that State are strongly of the opinion that a lenient course towards these men would work beneficially in creating a public sentiment favorable to the observance and enforcement of the laws, and would give peace and quiet to that section of Tennessee.

Your attention is called to the fact that numerous prosecutions were instituted against the officers of the government for alleged violations of State laws, and there is now pending in the United States Supreme Court the case of the "State of Tennessee *vs.* James M. Davis," involving the question of the right of transfer of his case to the United States Circuit Court.

It will be seen from my correspondence with Judge Goodpasture (copies of which are inclosed) upon the subject of leniency towards the illicit distillers, that I would not favor such a course until the State officers agreed to the dismissal of all prosecutions against the internal-revenue officers. This Attorney-General Lea promises shall be done, and I think that the time has now come when it would be an act of great wisdom for the government to pursue a lenient course towards the illicit distillers of the 5th collection district of Tennessee. I, therefore, have the honor of recommending that the illicit distillers of that district be permitted to plead guilty in the United States court and have their sentences suspended upon the payment of costs, during good behavior, and, if you concur in this recommendation, I have to request that these papers be forwarded for the consideration of the Hon. AttorneyGeneral.

Very respectfully, your obedient servant,

GREEN B. RAUM,
Commissioner.

Hon. JOHN SHERMAN,
Secretary of the Treasury.

TREASURY DEPARTMENT,
OFFICE OF INTERNAL REVENUE,
April 17, 1879.

SIR: In addition to my communication of yesterday in regard to the subject of leniency to illicit distillers, I will state that some months ago Deputy Collector Davis with a party of officers were attacked by a number of illicit distillers, and were beseiged for about forty-eight hours in a farm-house, where during the time some 200 persons assembled, and a large number of them participated in the attack upon Davis and his officers.

Under the direction of this office the collector procured warrants for the arrest of a large number of persons connected with said siege, and I am informed that fifty or sixty indictments will probably be found at the ensuing term of the United States court against persons engaged in that unlawful assemblage.

From representations made to me I am now of the opinion that it would be wise to forbear prosecuting these citizens, and I have the honor of recommending, with your approval, that the Attorney-General be requested to instruct the district attorney to call no witnesses before the grand jury in regard to these cases.

Very respectfully,

GREEN B. RAUM,
Commissioner.

Hon. JOHN SHERMAN,
Secretary of the Treasury.

TREASURY DEPARTMENT, *April* 19, 1879.

SIR: I have the honor to transmit herewith two letters of the date of the 16th and 17th instant, with certain inclosures from the Commissioner of Internal Revenue, in regard to granting relief to illicit distillers in the fifth collection district of Tennessee, and approve his recommendation, and suggest that you give such instructions to the proper officers of your department as will carry it into effect.

Very respectfully,

JOHN SHERMAN,
Secretary.

Hon. CHARLES DEVENS,
Attorney-General.

DEPARTMENT OF JUSTICE,
Washington, April 19, 1879.

SIR: You are authorized and and directed to accept pleas of guilty, with suspension of sentence during good behavior with the payment of costs from illicit distillers, and all persons indicted for resisting officers of internal revenue of the fifth collection district of Tennessee for acts done prior to this date.

You will forbear calling witnesses before the grand jury in the case of a large number of citizens who besieged Deputy Collector Davis, and his party, in Overton County, in August, 1878. Prosecute all other cases.

It is understood the State authorities will dismiss all cases against revenue officers. Discharge all witnesses in these cases as promptly as possible, and prevent the attendance of others where not needed.

CHAS. DEVENS,
Attorney-General.

JAS. A. WARDER,
United States Attorney, Nashville, Tenn.

COOKVILLE, TENN., *April* 19, 1879.

DEAR SIR: During the last week, as you will see from the reports sent in by Capt. J. M. Phillips, special deputy collector, we have succeeded in finding four illicit distilleries in my division, all of which have been in operation very recently, and most of them are said to have run to make whisky to peddle on, while the manufacturers were on their way to the United States court, where they are under bond to appear.

This shows that there is still a disposition among a small minority of the people here to do an illicit business, and it will require constant vigilance on the part of the United States authorities to keep the operations of illicit distillers suppressed.

There is such a large scope of country here, embracing some ten or twelve large counties, that cover one of the most inaccessible regions of this State, or we might say, as difficult of access as any other region of the United States, in which they can hide their stills, that it takes the most untiring perseverance to find them, and constant exposure and hardship. During the last month the men sent here by you, together with myself, have for days together climbed over hills and cliffs and ravines in search of these stills, and considering how well they are hid away in coves and caves, we have met with commendable success.

I have also made several surveys of legal distilleries and some resurveys, as will be seen from reports. I have also visited all the distilleries running, and find them making a superior kind of spirit, as well as producing a very unusual quantity from the grain used. I account for this from the fact that the corn produced in this region is of a very superior quality, and from that reason I am confident that the

manufacture of spirits here will in the future be very great. At an early day there will be large distilleries erected along the Cumberland River and its tributaries, and I think they can be run with success. The fact should be impressed upon distillers that there is only a small belt of country that can produce this same kind of spirit that your district does, owing to the quality of corn, the peculiar climate, the pure water, and other reasons. The grain produced north of this latitude is more oily and produces a more fiery spirit; the country east is devoted to tobacco culture and maritime interests, the country south and west to cotton culture, &c., leaving Tennessee, especially your district, to supply the markets of the world with pure and unadulterated sour mash corn whisky.

The opening of the April term of the United States court in your city has begun the march of a large number of illicit distillers to appear there to answer to various charges against them. When we remember that one year ago there were in operation in my division probably not less than 200 illicit distilleries, whose operators neither "feared God nor regarded man," and that nearly every still has been captured in that time and nine-tenths of the owners have been made to answer for their sins, it shows that the greatest vigilance, the greatest faithfulness, and the greatest hardships have been encountered. During this time your men have met often with resistance, sometimes with bloodshed, and always with opposition of many citizens.

At one time your deputies were surrounded for days with hundreds of armed men, at other times they have been fired upon by individuals. Amid all this, those who have been your most trusted men I think have been faithful to their trust, honorable in their conduct, and deserving of future confidence.

I am, sir, very respectfully,

S. D. MATHER,
Deputy Collector.

Col. W. M. WOODCOCK,
Collector Internal Revenue.

[Telegram.]

WESTERN UNION TELEGRAPH COMPANY,
Nashville, Tenn., April 29, 1879.

HON. GREEN B. RAUM,
Commissioner, Washington, D. C.:

Court still in session; in the rush of business all the dockets behind. In the last twelve months sentence has been suspended in 426 cases of illicit distilling and 151 other violations of the revenue laws, the defendants pleading guilty, as accurate as I can be in the condition of the minutes. When they are written up it will show a slight increase in these numbers.

JAS. A. WARDER,
United States Attorney.

[Wheeler & Marshall, attorneys at law.]

CHATTANOOGA, TENN., *June* 25, 1879.

SIR: I have the honor to inclose letter from Hon. G. G. Dibrell of the 23d instant. The next regular terms of the United States circuit and district courts commence second Monday of July, but Judges Baxter and Trigg have continued the consideration of all causes requiring a jury and witnesses to a special term commencing first Monday in September. This has been done by reason of the failure of Congress to pass the judicial bill.

The courts will convene, and such causes will be tried as require no jury and no witnesses. This will exclude the trial of all causes (revenue) except where parties may choose to submit, and the court will accept the submission.

Again, there are in the eastern district of Tennessee seven counties of the fifth collection district (Woodcock's). I have learned, generally through the papers, that a general amnesty had been granted to all offenders against the revenue laws in the fifth collection district upon certain conditions, and a great multitude of offenders had submitted at Nashville. The amnesty itself I have never seen, and know nothing of its scope and extent. I learn that offenders from the seven counties within the fifth collection district and within the judicial district propose to come to Knoxville and submit their cause, claiming the benefit of the amnesty. In such case I shall not know the proper course to pursue unless I receive instructions.

Judge Baxter is, or was a week since, equally in the dark as to the proper course, and I therefore beg for instructions, and should be gratified to receive copy of the amnesty proclamation with interpretation.

Please address me at Knoxville.

Very respectfully,

XEN. WHEELER,
United States District Attorney.

Hon. GREEN B. RAUM,
Commissioner of Internal Revenue, Washington, D. C.

P. S.—I think, in case a general amnesty is offered, an exception should be made in the case of Hutsell Amarine.

HOUSE OF REPRESENTATIVES,
Washington, D. C., June 23, 1879.

DEAR SIR: When the general amnesty was granted to the violators of the internal-revenue laws in April, it was granted to *all violators*. On that account, in the fifth collection district of Tennessee, with a promise from Commissioner Raum that the balance of East Tennessee should have the same amnesty shown them, I to-day called upon Commissioner Raum in regard to the matter. He said instructions would be given in time for all in the fifth district, and that upon application from those above us, their application should have a fair consideration. (Intimating they should also have amnesty.)

I believe that is the quickest and surest way to break down the illicit traffic, to deal leniently with offenders, and make them love and respect the government, rather than find that the government is their enemy and oppressor.

I write this, that if you have received no instructions, you will have time to write Commissioner Raum and Attorney-General Devens before your court.

I was glad of your appointment and confirmation.

Yours, truly,

G. G. DIBRELL.

Col. XEN. WHEELER,
United States District Attorney, &c.

TREASURY DEPARTMENT,
OFFICE OF INTERNAL REVENUE,
July 1, 1879.

SIR: Your letter of the 25th ultimo, in relation to amnesty granted to violators of the internal-revenue laws in the fifth collection district of Tennessee, has been received. Your letter to the Attorney-General on the same subject was also referred to this office. There is inclosed a copy of instructions to District Attorney Warder, dated April 19, 1879, by the honorable Attorney-General.

The same instructions should govern you in regard to cases in the fifth collection district of Tennessee, as far as applicable. This is not to be understood as granting any clemency in the case of Hutsell Amarine or others engaged in the killing of Deputy Collector Cooper.

I have papers before me in regard to extending amnesty to offenders in the second collection district of your State. This I am not disposed to advise until the offenders themselves shall have shown by their actions that they are determined to observe the laws in future.

Respectfully,

GREEN B. RAUM,
Commissioner.

XENOPHON WHEELER, Esq.,
United States Attorney, Chattanooga, Tenn.

UNITED STATES INTERNAL REVENUE,
COLLECTOR'S OFFICE, FIFTH DISTRICT TENNESSEE,
Nashville, July 11, 1879.

SIR: Replying to yours of the 29th April, calling for number of persons killed and wounded since July 1, 1876, while engaged in the work of suppressing illicit distilla-

tion, I have to say that I have found it very difficult to obtain accurate information, which has delayed this report. I would say further that my raiding parties have been fired on so frequently that I have kept no account of such incidents unless some one was struck. I would also say that the following outrages are known to have been, or circumstances strongly indicate that they were, committed by illicit distillers or their sympathizers:

March 1, 1878, United States Commissioner H. J. Brady's team and horse were burned.

January 1, 1879, a copper still that he had used for making brandy legally was destroyed.

February 1, 1879, his stable was set on fire, but he succeeded in extinguishing it. He (Brady) was colonel of a Pennsylvania regiment during the late war, and had rendered himself very obnoxious to illicit distillers by vigorously enforcing the law. He is now a storekeeper and gauger.

March 14, 1878, Deputy Marshal Contrall's barn and horse burned in White County.

March 14, 1878, Guide ——— stable burned in White County.

April, 1879, three prisoners confined in jail for violating revenue laws, and two mules and one wagon and copper still and worm, were forcibly rescued and carried away from Hartsville by armed men in the night. The property had been seized by revenue officers.

June 19, 1879, a copper still seized by revenue officers and stored in Livingston, Overton County, was forcibly rescued and carried away by armed men.

July or August, 1876, Deputy Marshal John Minnis killed in Sumner County.

June, 1877, ———, guide, wounded in Jackson County.

August 23, 1878, Special Deputy Collectors John M. Phillips, Charles E. Tippens, and Guide ——— were wounded in a skirmish with illicit distillers under command of Campbell Morgan in Putman County.

September 18, 1878, James Spears, a former member of raiding force, who was at this time with Special Deputy Collector J. M. Davis attending court in Grundy County, where indictment for acts committed as a revenue officer were pending against Davis, was shot and mortally wounded by a ball that was evidently intended for Davis. He was walking by Davis's side at the time the shot was fired from the brush in the suburbs of Tracy City. Spears died in a few days afterward.

Very respectfully,

W. M. WOODCOCK, *Collector.*

Hon. GREEN B. RAUM,
Commissioner of Internal Revenue, Washington, D. C.

CARTHAGE, TENN., *September* 9, 1879.

DEAR SIR: You remember that while I was in Washington attending the recent extra session of Congress I petitioned for amnesty for various parties in Tennessee, and especially in the fourth Congressional district, who were charged with illicit distilling, resistance of officers, &c. You may remember, too, that the application embraced Campbell Morgan, and those who were charged with him with participation in the Peak fight against Capt. J. M. Davis. The terms of amnesty were agreed upon, and all of those who had been arrested or were charged with the crimes mentioned were pardoned.

The indictments in the State courts against the internal-revenue officers and their men have been dismissed. Our people have observed the terms of the pardon.

The extension of amnesty has worked far more beneficially than even its most sanguine advocates had hoped. More has been accomplished by it in the suppression of illicit distilling than could have been accomplished in any other way.

To my great surprise, complaint was made to me to-day, by good, reliable citizens of Jackson County, that Deputy Marshal J. M. Davis is arresting citizens of this district, under the charge of participation in the Peak fight, which occurred long before the pardon mentioned above, and was embraced in it. He is requiring them to enter into bond for their appearance at the Federal court. Mr. Johnson, ex-sheriff of Jackson County, informs me that Messrs. Polk, West, and James Warren, of Overton County, and James Gentry, of Putnam County, have been so arrested. The arrest of others, I hear, is threatened.

I write to ask why this is done? And also to request that such instructions be forwarded as will limit arrests to offenses occurring since the pardon. Any other course will involve the parties in heavy costs, and can only result in their release under the amnesty heretofore agreed upon, after their money has been taken in costs and their time lost.

The officers of the State are not in any way evading the consequences of the settlement of our troubles by keeping your men in custody who are or were indicted in the

State courts. And we have every confidence that the government officials will not be less faithful in carrying out the instructions heretofore given. Any other course would be unfortunate, and could not result beneficially in any sense.

Your earliest attention to this matter is requested.

I am, general, most respectfully, your obedient servant,

BENTON McMILLAN.

General GREEN B. RAUM,
Commissioner Internal Revenue, Washington, D. C.

TREASURY DEPARTMENT,
OFFICE OF INTERNAL REVENUE,
September 13, 1879.

SIR: I acknowledge your valued favor of the 9th instant, and have given the matter careful consideration. In reply, I have to state that the arrest of parties engaged in the Peak fight, so called, was not under instructions from this office. I have forwarded a copy of your letter to Collector Woodcock, with instructions to see that the utmost good faith is maintained in regard to the amnesty granted some months ago. I am glad to have your additional testimony to the fact that good results have accrued from the amnesty. The most important point to gain is to have a public opinion favorable to the observance and enforcement of the laws, and I trust that this state of things will soon be found to exist.

I have the honor to be, very respectfully,

GREEN B. RAUM,
Commissioner.

Hon. BENTON MCMILLIN,
Carthage, Tenn.

UNITED STATES INTERNAL REVENUE,
COLLECTOR'S OFFICE, FIFTH DISTRICT TENNESSEE,
Nashville, January 10, 1880.

SIR: Replying to yours of the 7th instant, asking the condition of my district in regard to illicit distillation, &c., I have to say that there is no longer any organized or individual resistance to the enforcement of the laws in this district.

The organization of illicit distillers has been entirely disbanded, and I don't suppose there are two in the district that would trust important secrets to each other. There is, however, still some illicit distillation carried on here in the counties mentioned by you, viz: Fentress, De Kalb, and Overton, and also in the counties of Jackson and Macon, the latter, in my opinion, being the worst in the district. As to the counties of Overton and Fentress, it is only a matter of opinion with me as to there being any illicit distilleries in either of them; but my opinion strongly leans to the affirmative. These counties embrace a large section of mountainous and generally thinly settled country, and the illicit distilleries are situated in the most secret, remote, and inaccessible places, rendering the finding of them very difficult, and causing my expenditures for guides to appear rather large in proportion to the amount of work accomplished.

I think the revolution of public sentiment in my district is complete, and that I and my deputies have the hearty co-operation of a very large majority of the people in enforcing the law, in fact there is no outspoken opposition, except by those who are caught violating the law.

As to the measures I am employing to discover and suppress violations, I have to say that Deputy Collector Davis, accompanied by a United States commissioner and a United States deputy marshal, is almost continually in the saddle and travels the counties herein mentioned, but the results are small for reasons already stated.

I obtained from you an allowance for an additional deputy collector in the "wild-cat regions," and divided the country between Phillips and Chastaine, expecting them to aid in suppressing illicit distilleries, as there was but little regular work in their divisions, but Phillips now has seven legal distilleries in his division, considerably scattered, the operators being inexperienced and therefore needing frequent attention from the deputy collector, and he thinks he will start four more by March 1, all of which, with his other regular work, leaves him almost no time for attention to illicit distilleries. Jackson County is in his division. Chastaine has not so much experience as Phillips; has only one legal distillery, but in his efforts to locate illicit distilleries, has caused several to be abandoned, finding them soon after, and by March 1 there will be some new grain distilleries started in his division. His division includes

Fentress, Overton, and Macon counties. De Kalb County is in Deputy Collector Park's division, who has more regular work than it is physically possible for him to properly keep up with. Sumner County is in Deputy Collector Patton's division, and nearly the same may be said of him as of Park, at any rate neither of them can give much attention to illicit distilleries without neglecting regular work.

You see, from the foregoing, that my chief reliance is Deputy Collector Davis, and in the present scattered condition of the illicit work, it will take him a long time to completely extinguish it, but he can keep it in check and gradually reduce it, I think.

Very respectfully,

W. M. WOODCOCK,
Collector.

Hon. GREEN B. RAUM,
Commissioner of Internal Revenue, Washington, D. C.

UNITED STATES INTERNAL REVENUE,
COLLECTOR'S OFFICE, FIFTH DISTRICT TENNESSEE,
Nashville, January 12, 1880.

SIR: Again replying to yours of the 7 thinstant, concerning the condition of my district in regard to illicit distillation, I have to say that I have just received a letter from Deputy Collector Blackburne, stating that he is satisfied that the illicit distillers are becoming rather numerous in Wayne and Lawrence counties; that they are organized to resist internal-revenue officers; that W. A. Fowler has been recently killed by them for giving information against illicit distillers, to my deputies; and that United States deputy marshals holding warrants against various violators there, are not safe in executing service of warrants. I will send Deputy Collector Davis down soon, and report fully to you.

Very respectfully,

W. M. WOODCOCK,
Collector.

Hon. GREEN B. RAUM,
Commissioner of Internal Revenue, Washington, D. C.

UNITED STATES INTERNAL REVENUE,
COLLECTOR'S OFFICE, FIFTH DISTRICT TENNESSEE,
Nashville, January 28, 1880.

SIR: I have the honor to say in reply to yours of the 26th ultimo, in regard to the amount of illicit distilling in my district, that I fear I took too rosy-colored a view of the situation in my recent letters, to which yours is a reply.

I informed you in a more recent letter of threatened trouble in Wayne County, and this morning Deputy Collector Davis returned from a raid through the eastern and northern portions of the district, having destroyed seven illicit distilleries, and sent to this point, for forfeiture and sale, two horses, one wagon, and about 600 pounds of copper, and arrested, on *capiases* and warrant, 23 persons.

In Sumner County, the 26th instant, he saw unmistakable resistance. After getting some distance from one distillery which they had destroyed, they found, that in the confusion of caring for so many persons and of property, they had left a gun behind. Two men were sent back to get it, and remaining longer than thought necessary, another was sent to hunt them; he, A. J. Breeding, missed them and went to the distillery, where they had already been and recovered the gun and gone back to the party.

When Breeding arrived at the distillery he was seized by ten armed men and carried into the timber, when, without giving him time to dismount, they told him they intended to kill him, and levelled their guns at him; in the same moment he rolled off his mule, the shot passing over his head, and darted into the underbrush, which was too thick for horsemen, and made his escape. One of the would-be assassins was arrested a few hours afterwards, and is now in jail here for violation of revenue laws. Two others of the party are known and will soon be arrested.

Davis said his party will leave here to-morrow for Wayne and Lawrence Counties, and may look over the Alabama line, where I learn, by rumor, that a deputy collector named Mitchell was killed a few days since.

Very respectfully,

W. M. WOODCOCK.

Hon. GREEN B. RAUM,
Commissioner of Internal Revenue, Washington, D. C.

EIGHTH DISTRICT OF TENNESSEE.

Synopsis of correspondence.

1877.

Feb. 19. Letter from Collector Patterson, showing condition of affairs in regard to illicit distilling in Henry County. Three deputy marshals recently shot at in attempting to make arrests. Asks for soldiers.

Apr. 11. Letter from Collector Patterson reporting raid on illicit distilleries in Henry County. Officers followed 12 miles by a body of armed men, who attempted to release prisoners, but failed to do so.

Apr. 18. Telegram from Collector Patterson. Officer seizes a lot of manufactured tobacco in Henry County, which is taken from him by armed men.

Aug. 8. Letter from Collector Patterson. Revenue officers attempting to seize a tobacco factory in Henry County, are surrounded by a large body of armed men and forced to give it up, and barely escaped with their lives.

Aug. 29. Letter from Collector Patterson. Mass meeting in Henry County, about 1,000 persons present; many of them leaders in resisting United States officers; addressed by Senator Harris and Representative Atkins, and warned of the folly and disgrace of opposing the laws; good impression apparently made.

Nov. 13. Letter from Commissioner of Internal Revenue to Hon. W. W. Murray, United States attorney, Memphis. Alludes to interviews with Hon. I. G. Harris and Hon. J. D. C. Atkins, and states the views of the office in regard to granting amnesty to violators of the law in Henry County, Tennessee.

Dec. 12. Letter from Commissioner of Internal Revenue to Hon. W. W. Murray, United States attorney, on application of Hon. I. G. Harris and J. D. C. Atkins; amnesty is granted during good behavior to certain violators of the law in eighth district, Tennessee; 37 persons avail themselves of this offer.

Dec. 26. Letter from Commissioner of Internal Revenue to Collector Patterson. Urges further efforts to suppress all frauds in his district.

1879.

May 6. Letter from Collector Patterson showing violent resistance to the laws in his district since 1876. In October, 1876, a United States marshal was killed about 10 miles north of Paris, Henry County, by one Giles, for whom he had a *capias*, for dealing in illicit tobacco. Giles has not been indicted by the State, and no effort made to arrest him by the State officers.

1880.

Feb. 19. Telegram from Collector Patterson. Seizure of stills in Henry County. Deputy collector's party surrounded and kept all night in a house by 30 armed men, but not otherwise molested.

UNITED STATES INTERNAL REVENUE,
COLLECTOR'S OFFICE, EIGHTH DISTRICT TENNESSEE,
Memphis, February 19, 1877.

SIR: I have the honor to say that I am procuring information regarding illicit distilleries in Henry County, this district, expecting to make a raid on them when I have them definitely located.

It will be necessary to have a few soldiers, and a few days ago I wrote to General C. C. Augur, commanding Department of the Gulf, to know if he could furnish them. He replies that he has no order touching such requisitions and cannot comply with them until so ordered. I made a raid through that county last March and destroyed ten distilleries. Since that time three deputy marshals have been shot in attempting to make arrests there, and it would be useless to go there without a few soldiers. I only asked for a non-commissioned officer and six men. Can you have the necessary order issued to furnish them on proper application?

Very respectfully,

R. F. PATTERSON, *Collector.*

Hon. GREEN B. RAUM,
Commissioner, Washington, D. C.

ES INTERNAL REVENUE,
GHTH DISTRICT TENNESSEE,
Memphis, April 11, 1877.

SIR: I have the honor to report that Deputy Collectors R. R. Smith and Lewis Marshall, with three other men employed to assist them, made a raid on illicit distillers

in Henry County, this district, last Friday night, seized two stills, destroyed 3,600 gallons of mash and beer, and arrested four men found engaged in the business, viz, J. G. Wilson, Benjamin Wallace, O. N. Potts, and J. I. Dunlap, and brought them here and lodged them in jail, where they are awaiting examination, except Potts, who made his escape. They were followed nearly to Paris, 12 miles, by a body of armed men, who attempted to release the prisoners, but failed to do so.

The stills were taken to Paris and shipped to Memphis. I have information of three other distilleries in operation in that county, but have not been able to get their definite location. One is said to be quite a large distillery, owned by one John A. Burton, and he, it is reported, keeps eight or ten desperadoes there as a guard, and is prepared to resist any ordinary force. This distillery is near the Kentucky line, and may be across the line in Kentucky.

When I ascertain all of the facts it may be necessary to have a squad of soldiers to break it up. Could they be furnished?

Very respectfully,

R. F. PATTERSON, *Collector.*

Hon. GREEN B. RAUM,
Commissioner, Washington, D. C.

[Telegram.]

WESTERN UNION TELEGRAPH COMPANY,
Memphis, Tenn., April 18, 1877.

Hon. GREEN B. RAUM,
Commissioner, Washington, D. C.:

Deputy Collector Ruth reports seizure lot manufactured tobacco yesterday in Henry County, which was taken from him by armed men on his way to Paris.

R. F. PATTERSON, *Collector.*

UNITED STATES INTERNAL REVENUE,
COLLECTOR'S OFFICE, EIGHTH DISTRICT TENNESSEE,
Memphis, August 8, 1877.

SIR: Two of my special deputies have just returned from Henry County, where I had sent them to seize and remove John A. Burton's tobacco factory. They, with three men taken from Paris to aid them, were surrounded by a large body of armed men and forced to leave the machinery, &c., of the factory, and barely escaped with their lives. They inform me that many of the men engaged in this affair are either now under indictment, or you have warrants for them for violations of the revenue laws. Unless decisive action be taken to arrest and bring these parties to punishment, it will be useless for my deputies to undertake to enforce the laws in that county.

Can you not organize a sufficient force to either bring the men in for whom you have warrants, or drive them from the country?

Very respectfully,

R. F. PATTERSON, *Collector.*

Maj. M. J. WALDRON,
United States Marshal, Memphis, Tenn.

UNITED STATES INTERNAL REVENUE,
COLLECTOR'S OFFICE, EIGHTH DISTRICT TENNESSEE,
Memphis, August 11, 1877.

SIR: Referring to my report of the resistance to United States officers in Henry County of the 9th instant, I have the honor to state, that with the co-operation of the United States marshal of this district, Hon. Isham G. Harris, U. S. S., and Hon. J. D. C. Atkins, M. C., who lives at Paris, I am trying to arrange for a meeting in that county, at which it is hoped many of the best citizens will be present, besides some of those for whom the marshal has warrants, to endeavor to create a public sentiment in favor of submitting to the execution of the laws. It is hoped that good may be done, and that such a sentiment may be expressed as to force these offenders either to submit to arrest or *leave the country.*

Very respectfully,

R. F. PATTERSON, *Collector.*

Hon. GREEN B. RAUM,
Commissioner, Washington, D. C.

UNITED STATES INTERNAL REVENUE,
COLLECTOR'S OFFICE, EIGHTH DISTRICT TENNESSEE,
Memphis, August 29, 1877.

SIR: I have the honor to report that the proposed meeting referred to in my letter of the 15th instant, was held in Henry County last Saturday, in the neighborhood that has given so much trouble by violations of the revenue laws, near the Kentucky line. About 1,000 persons were present, among whom were the Burtons and others who have been leaders in resistance to United States officers. The United States marshal of this district and myself accompanied Senator Harris and Mr. Atkins, both of whom addressed the people, and impressed upon them the disgrace being brought upon their county, and warned them that a stop would be put to such illicit business by the most vigorous means.

Senator Harris showed how the revenue law bore on all the States, North and South, and went over figures to explain that Tennessee's total tax for revenue was not one-fortieth part of State of Illinois.

The effect of the speech was marked, and there can be no doubt but that great good will result from the meeting. Those who have been guilty of infractions of the law, including John A. Burton, promised to come into Paris, within the next two weeks, and give bond for their appearance at the next term of the United States court, to abandon the business, and in the future to assist the officers in the enforcement of the laws.

The better class of citizens expressed themselves determined to aid in the suppression of all illicit business in whisky and tobacco in that county. The meeting will certainly result in creating a public sentiment more favorable to the execution of the revenue laws in that section. How many of the guilty parties will voluntarily surrender themselves remains to be seen.

Very respectfully,

R. F. PATTERSON, *Collector.*

Hon. GREEN B. RAUM,
Commissioner, Washington, D. C.

TREASURY DEPARTMENT,
OFFICE OF INTERNAL REVENUE,
November 13, 1877.

SIR: Hon. Isham G. Harris, U. S. S., and Hon. J. D. C. Atkins, M. C. eighth district of Tennessee, have called upon me on behalf of certain illicit distillers and other violators of the internal revenue laws, contained in the inclosed list, who, I understand, are under bonds for their appearance at the next term of your court.

Senator Harris and Mr. Atkins stated that, in their opinion, such a public sentiment has now been established in Henry and adjoining counties as will enable the officers of the law to collect revenue and suppress frauds without any serious opposition, and that, in their opinion, it would be wise to extend to these parties leniency.

I have discussed this subject with the honorable the Secretary of the Treasury and the honorable Attorney-General, who concur with me in the opinion that a number of the most prominent of these violators of the law should receive punishment. The illicit manufacture and sale of spirits and tobacco throughout many districts of the country have been so open and notorious, and the resistance to the officers of the law has been so flagrant and vindictive, that now, when the power of the government is being asserted by seizing their stills and arresting their persons, it would not be a proper vindication of the law to turn these men loose without punishment.

I desire you to exercise a sound discretion in regard to these cases, and to consult freely with General Patterson, collector of internal revenue, in regard to them, and, as far as the poor, ignorant, and least guilty are concerned, you are authorized to take a plea of guilty and consent that the court shall suspend sentence with the distinct understanding that if they are caught derelict again that you will move for the enforcement of the sentences.

As far as the more intelligent, educated, and prominent persons are concerned, it is proper, and you are so directed, to so conduct the cases against them that you bring them to punishment.

I also forward you a petition signed by the gentlemen named and by Collector Patterson and United States Marshal Waldron, addressed to the Hon. Conally Trigg, judge, in behalf of the parties accused of violating the laws. I would be glad to have you make a special report on these cases at your earliest convenience.

Very respectfully,

GREEN B. RAUM,
Commissioner

Hon. W. W. MURRAY,
United States District Attorney, Memphis, Tenn.

TREASURY DEPARTMENT,
OFFICE OF INTERNAL REVENUE,
December 12, 1877.

SIR: Hons. Isham G. Harris and J. D. C. Atkins have very strongly advised that pleas of guilty be accepted from the forty-two persons contained in a list of names forwarded to you in my letter of November 13, and that the sentence of judgment of the court be suspended. The interest taken by Messrs. Harris and Atkins in bringing about a state of public opinion in Henry County, Tennessee, favorable to the enforcement of the internal-revenue laws, and their full knowledge of the people of that county entitle their representations to great respect, and, after a full conference with the honorable Secretary of the Treasury and the honorable Attorney-General, it has been decided to comply with their request. You are therefore authorized and directed to accept pleas of guilty in all of said cases, and agree that the sentence of judgment of the court shall be suspended, with the distinct understanding that if any of these parties are found to be violating the internal-revenue laws again that you will move the court for sentence in their respective cases.

I desire to state that I have hestitated to authorize the suspension of the judgments in these cases for the reason that I have serious doubt whether any permanent good will result from this course, and whether these persons, instead of recognizing this as an act of clemency, will not regard it as an exhibition of weakness on the part of the government, and go forward in violations of law as heretofore. Such has been the experience in times past in other portions of the country, and I have feared, and still fear, that such will be the case in this instance. We, however, will try the experiment.

Very respectfully,

GREEN B. RAUM,
Commissioner.

Hon. W. W. MURRAY,
United States District Attorney, Huntington, Tenn.

NOTE.—Thirty-seven persons availed themselves of the above offer.

TREASURY DEPARTMENT,
OFFICE INTERNAL REVENUE,
December 26, 1877.

SIR: From all the information I get from your district I am led to believe that the vigorous blows you have dealt to illicit distillers and manufacturers of tobacco have had a most wholesome effect. I am, however, informed that there is yet some illicit traffic in spirits and tobacco in those counties of your district bordering upon Kentucky. I desire that you take immediate measures to suppress all such frauds and to make offenders in all parts of your district understand that the laws are to be enforced.

I have already made an allowance to you from the "fraud fund" for this purpose. If it is not large enough I will increase it.

I desire that you move as early as possible in this matter. It will be well for you to confer with the collector of the second district of Kentucky and secure his co-operation with you when your force is in the border counties. Collector Stewart, who succeeds Collector Johnson in the district above referred to, will take charge of the office on the 1st proximo.

Please report at an early day what you are now doing and what your plans are for breaking up these frauds, and inform me as to the general condition of your district in this respect.

Respectfully,

GREEN B. RAUM,
Commissioner.

R. F. PATTERSON, Esq.,
Collector Internal Revenue, Memphis, Tenn.

UNITED STATES INTERNAL REVENUE,
COLLECTOR'S OFFICE, EIGHTH DISTRICT TENNESSEE,
May 6, 1879.

SIR: Referring to your letter of the 29th ultimo, I have the honor to state that no United States officer has been killed or wounded in this district since July 1, 1876, while engaged in the work of suppressing illicit distillation, though a raiding party

I was with, in the spring of 1877, was fired on about 20 miles north of Paris, Henry County, and another party sent to seize and remove a tobacco factory in the same neighborhood, in August, 1877, was driven out by a large armed force.

October 1, 1876, Deputy Marshal F. H. Torbet was killed about 10 miles north of Paris, Henry County, by one Giles, for whom he had a *capias*, for dealing in illicit tobacco. Giles has not been indicted by the State, and no effort has been made by the State officers to effect his arrest for the murder.

Very respectfully,

B. F. PATTERSON, *Collector.*

Hon. GREEN B. RAUM,
Commissioner Internal Revenue, Washington, D. C.

[Telegram.]

COLLECTOR'S OFFICE, EIGHTH DISTRICT TENNESSEE,
Memphis, Tenn., February 19, 1880.

Hon. GREEN B. RAUM,
Commissioner, Washington, D. C.:

Deputy Collector Cooper reports the destruction of two stills and about 4,000 gallons of beer and other material, and arrest of Henderson and Kelso near State-line, Henry County. His party was surrounded and kept in a house all night by about 30 armed men, but arrived safely at Paris.

R. F. PATTERSON, *Collector.*

FIFTH DISTRICT OF VIRGINIA.

Synopsis of correspondence.

1877.
Feb. 16. Letter of Collector Rives, inclosing communication of Deputy Collectors Smith, Goodell, and Joslyn, stating the necessity of an armed force to secure arrest of illicit distillers.
May 26. Report of Deputy Collector Joslyn of attack upon officers and citizens by an armed body of distillers in Lee County, and murder by them of Jesse Vandewinter.
May 29. Reply to the above by Commissioner of Internal Revenue. Statement signed by county judge and citizens of Lee County of condition of affairs in that county, and request for assistance to enforce the laws.
Sept. 24. Report of forcible resistance by illicit distillers in Scott County.
1878.
Apr. 4. Letter of Deputy Collector Goodell in relation to inciting resistance to United States laws in Giles County.
Apr. 29. Report of Deputy Collector Goodell of attack by distillers upon officers in Franklin County, and the wounding of two of his force.
May 6. Collector Rives asks for arms to enable him to overcome resistance to officers by illicit distillers.
May 15. Report of Deputy Collector of fight with illicit distillers in Scott County.
May 20. Report of armed resistance and attempt to rescue prisoners in Franklin County.
June 25. Report of the shooting of a guide by illicit distillers in Scott County.
July 10. Collector Rives calls attention of the governor of Virginia to lawlessness in Scott County, and wounding of citizen who acted as guide to officers.
July 17. Letter of Governor Holliday to Collector Rives.
1879.
Nov. 18. Reporting threats, by illicit distillers, to kill citizens who entertain internal-revenue officers.
1880.
Jan. 19. Report of Collector Rives of the condition of affairs in his district in regard to illicit distilling.

UNITED STATES INTERNAL REVENUE,
COLLECTOR'S OFFICE, FIFTH DISTRICT VIRGINIA,
February 16, 1877.

SIR: I have the honor to inclose a letter from my deputies in that portion of this district, formerly the eighth, asking to be furnished with arms, and respectfully request

that you will grant their request, and either issue them to me to be issued to them, or issue directly to them, as you may prefer. I think their request a most reasonable one.

Repectfully,

J. H. RIVES,
Collector Fifth District Virginia.

To COMMISSIONER INTERNAL REVENUE,
Washington, D. C.

UNITED STATES INTERNAL REVENUE,
DEPUTY COLLECTOR'S OFFICE, FIFTH DISTRICT VIRGINIA,
Marion, Va., February 10, 1877.

SIR: We respectfully request you to make application to the honorable Commissioner of Internal Revenue for one dozen revolvers (of the Schofield, Smith, and Wesson patent, now in use by the Army) and five hundred cartridges, together with belts and holsters, to be used by your deputies and the squads that may be employed by them.

We agree to be held responsible for the safe return to you of such arms as may be placed in our hands.

In support of this application, we would state that the illicit distilleries in this section of your district have always been violent and dangerous, and they are more so now on account of the unsettled state of the country. Nearly a half dozen officers have been shot in this portion of the district since the war.

There are some localities where arrests can be made without much difficulty, but in many counties a well-armed force is actually necessary to secure the arrest of the distillers, some of whom are desperadoes, and to secure protection to the life of the officers.

Very respectfully,

GEO. D. SMITH,
Deputy Collector First Division, Fifth District Virginia.
R. M. GOODELL,
Deputy Collector Fifth Division, Fifth District Virginia.
HENRY C. JOSLYN,
Deputy Collector Seventh Division, Fifth District Virginia.

Capt. J. H. RIVES,
Collector Fifth District, Lynchburg, Va.

UNITED STATES INTERNAL REVENUE,
COLLECTOR'S OFFICE, FIFTH DISTRICT VIRGINIA,
Lynchburg, May 26, 1877.

SIR: I have the honor to inclose herewith a full report of my deputy, H. C. Joslyn, of his raid on the illicit distillers of Lee County on the 12th instant.

Very respectfully,

J. H. RIVES,
Collector Fifth District Virginia.

The COMMISSIONER OF INTERNAL REVENUE,
Washington, D. C.

UNITED STATES INTERNAL REVENUE,
DEPUTY COLLECTOR'S OFFICE, FIFTH DISTRICT VIRGINIA,
Bristol, May 24, 1877.

SIR: On the 14th of the present month, while I was at Jonesville, I made a partial report of a raid that Deputy Marshal Austin and myself had made on the night of the 12th, with a promise that I would make a full report when I reached my office, which I now proceed to do. In compliance with your instructions dated April 6, 1877, I have the honor to report that while on my way to Lee County on business I met Deputy Marshal Austin and two men, and upon information I had obtained we at once planned a raid upon the illicit distillers of Lee County.

We arrived at Jonesville on Friday night, the 11th, and on Saturday night, the 12th, assisted by Deputy Sheriff W. S. Doyle and a posse of 10 citizens, we made a raid upon the illicit distillers in the locality known as Blackwater Creek, and succeeded in arrest-

ing six prisoners and seizing four large whisky distilleries that were being carried on illicitly, three of them located on Blackwater and one on Wallin's Creek. The names of the persons arrested are Oliver Brewer, Eli Brewer, Geo. Brewer, Whitt Duvalt, Jerry Mullins, and Wash. Levisay. On the morning after the arrests and seizures were made, while on our way to Jonesville, Lee County, with the prisoners and captured stills, we were intercepted on the road by a body of armed men, probably fifteen in number, who had placed themselves on each side of the road at a gap that we were compelled to pass through. This party was led by Richard Brewer, a son of Oliver and brother of George and Eli Brewer, and John Duvalt, the brother of Whitt Duvalt, who endeavored to stop us, and threatened to fire upon us if we did not release the prisoners and stills; this we declined to do, and went through the gap without being fired upon, but would have been entirely at their mercy but for the prisoners, who were so placed that they might help stop some of the bullets had the desperadoes fired upon us; after we crossed Powell's River they did fire upon us, but did no damage, and we lodged the prisoners and stills safely in the jail at Jonesville, and placed a strong guard over it. The citizens that went with and assisted us, and who live on Wallin's Creek, below where we captured the distillery that was located on that creek, then returned home that they might get some rest and be ready to resume their usual avocations the next day. On the following day, Monday, the 14th, near sunset, and while they were at work in their corn-fields, with only sufficient notice to enable them, some six in number, to get together, they were attacked by an armed body of men numbering twenty-six, and one of their number, Jesse Vandewinter, mortally wounded and has since died. The little party of citizens fought manfully, and, being re-enforced by some four others, drove the murderers to the mountains, with a loss of four wounded, one mortally, and three pretty severely. This attack was led by Richard Brewer, John Duvalt, and Bert Gouss, three noted desperadoes who reside in Blackwater; the names of the Blackwater party that were wounded are Jesse Anderson, mortally, and Andrew Testament, James Collins, and Hiram Levisay. The county judge of Lee at once caused warrants to be issued for all persons known to have been engaged in the attack, and placed them in the hands of Deputy Sheriff Doyle, who will do all in his power to arrest the guilty parties, and if caught they will certainly be brought to justice. The friends of the prisoners threatened to pull the jail down or have them out, and we were compelled to summon fifty citizens to guard the jail at Jonesville until the marshal could summons witnesses and get ready to start to Abingdon with the prisoners and have them tried by the United States commissioner. On Wednesday, May 16, Deputy Marshal Austin, with about fifty citizens well mounted and well armed, left Jonesville for Abingdon with the prisoners and stills; this large force was necessary because of his being compelled to cross both Wallin's Creek and Powell's Mountain on his way out, and having received reliable information that any ordinary force would be attacked at one or the other of these points. On Thursday, the 17th, after crossing Church River, the marshal dismissed all but a small guard, and on Friday night arrived safely in Bristol with the prisoners and stills. The stills are safely stored at Bristol, and the prisoners were all sent on by Commissioner Gildersleeve, and four committed to jail in default of bail.

We destroyed 46 fermenting tubs, 7,300 gallons mash and beer, about 250 gallons singlings, and a quantity of backings, and brought away all the stills and fixtures we found. The substantial citizens of Lee County stood by us nobly in this affair, and full credit is due them for so doing, and all seem very anxious that this gang of lawless men be broken up, and are ready to render the officers any assistance in their power to bring all the guilty parties to justice; and had it not been for the good citizens of Lee I am quite sure the United States officials would have fared very badly in this affair.

Very respectfully,

HENRY C. JOSLYN,
Deputy Collector.

Capt. J. H. RIVES,
Collector Fifth District, Lynchburg, Va.

TREASURY DEPARTMENT,
OFFICE OF INTERNAL REVENUE,
May 29, 1877.

SIR: Your letter of the 26th instant, inclosing a copy of the report of Deputy Collector Henry C. Joslyn, of his recent operations against illicit distillers in your district, has been duly received.

The efficient and courageous conduct of Deputy Collector Joslyn and Deputy Marshal Austin, and the officers and citizens who accompanied them in their movements

against the illicit distillers of Lee County, cannot be too highly commended; and I desire you to thank the officers and citizens so engaged for their efforts in seeking to suppress the illicit distillation of spirits and bring the violators of the law to punishment.

It is evident from the report of Mr. Joslyn that the illicit distillers of your district, like the same class of persons found in other districts throughout the country, are a lawless, determined, and blood-thirsty set of men. The assault made upon Jesse Vandewinter, which resulted in his death, was as savage and vindictive as though made by the wild Indians of the plains. I trust that all those engaged in said attack will be speedily arrested and brought to condign punishment. The family of Mr. Vandewinter have my deepest sympathy, which I trust you will convey to them.

I must thank you for the vigorous measures you have taken in your district, and I desire that you shall continue the same with increased energy until every illicit distillery in your district shall have been broken up, and every illicit distiller brought to punishment.

Very respectfully,

GREEN B. RAUM,
Commissioner.

J. H. RIVES, Esq.,
Collector Fifth District, Lynchburg, Va.

UNITED STATES INTERNAL REVENUE,
COLLECTOR'S OFFICE, FIFTH DISTRICT VIRGINIA,
June 11, 1877.

SIR: I have the honor to forward a petition of the citizens of Lee County, and earnestly recommend that you will permit me to assure them that a reasonable amount will be furnished me, from time to time, to be used as heretofore, and that I invite their hearty co-operation and aid.

Respectfully,

J. H. RIVES,
Collector Fifth District Virginia.

The COMMISSIONER INTERNAL REVENUE,
Washington, D. C.:

The undersigned citizens of Lee County and the fifth internal revenue district State of Virginia, would most respectfully state that our county is infested with a host of violators of law and pests to society in the way of illicit distillers, traffickers in illicit whisky, &c. It is supposed that there is not less than thirty illicit distilleries being constantly run in the county.

Our county is mountainous, bordering for forty miles on East Tennessee. The celebrated Blackwater Creek runs partly in Virginia and partly in Tennessee. This creek and the country bordering upon it is celebrated alone for illicit distilleries and the illicit traffic in whisky. The officers of the government on the Virginia side are doing all in their power to break up this illicit whisky business, and to bring the offenders to justice; this refers alike to the officers of both the State and United States, but they are almost powerless because of the peculiar locality of these distilleries, because as soon the officers on the Virginia side make an attempt the offenders flee into Tennessee, and thus evade the law. And they not unfrequently associate with them men of the same class from Tennessee to rescue those whom the officers are so fortunate as to arrest. This is so at this time. Deputy United States Marshal Austin and Deputy Collector H. C. Joslyn, together with two others, came into this county a few days ago, and on the night of the 12th instant, assisted by a number of our citizens, together with Deputy Sheriff W. S. Doyle, succeeded in arresting six illicit distillers on Wallen's Creek and Blackwater, and have lodged them and their stills in the jail of this county. On the way to jail a rescue was strongly threatened by a band of some twelve or eighteen armed men, and which was only prevented by the prompt and prudent conduct of the officers and citizens.

Last night the same band made an attack upon the citizens who assisted the marshal and collector while they were quietly working in their fields, and dangerously, if not mortally, wounded Jesse Vandewinter, a worthy citizen of the county. And it is now reliably reported that there is a band of armed men lying in Powell's Mountain, threatening the jail or the rescue of the prisoners as soon as they started to be removed to Abingdon.

As before stated, the officers on the Virginia side can do but little unless they are aided by the Tennessee authorities; if a simultaneous movement could be made by the officers on both sides of the line, we are of opinion that much good could be ac-

complished. To do this successfully, the marshal and collector inform us that it is necessary for them to have some money. We, therefore, earnestly recommend and suggest that a small appropriation, say of $——, be made, and that the Tennessee officers be instructed and requested to co-operate with the Virginia officers.

We do not think that troops are necessary, because we feel confident that the citizens of our country will give the officers all the aid they require, and we are fully assured that the State officers will give every aid at their command to facilitate the work of the revenue officers and protect them in the discharge of their duties.

Therefore we earnestly beg you to set aside and appropriate a sum of money sufficient for the purpose, and that steps be immediately taken to break up these illicit distilleries, and to bring these pests of society to justice.

May 15, 1877.

[Signed by numerous citizens of Lee County, Virginia.]

UNITED STATES INTERNAL REVENUE,
COLLECTOR'S OFFICE, FIFTH DISTRICT VIRGINIA,
Lynchburg, September 26, 1877.

SIR: Inclosed herewith I have the honor to transmit copy of the report of raid made under Special Deputy Collector J. C. Conway, and would call your especial attention to the armed resistance met with, and to ask for instructions upon this subject.

Respectfully,

J. H. RIVES,
Collector Fifth District Virginia.

The COMMISSION INTERNAL REVENUE,
Washington, D. C.

UNITED STATES INTERNAL REVENUE,
DEPUTY COLLECTOR'S OFFICE, FIFTH DISTRICT VIRGINIA,
Bristol, September 24, 1877.

SIR: Pursuant to your order of the 18th instant, I left this place on Thursday morning accompanied by —— and ——, and proceeded to Stony Creek, Scott County, Virginia, and reached Estillville, September 21, where I was joined by Deputy Marshal W. S. Doyle and two men. Accompanied by Deputy Marshal Doyle and the other members of the party I reached —— about 10 o'clock Friday night, 21st, where we found ——, and started to the distillery to be operated upon; when within about two miles of the scene of operation, we were met by —— who had preceded us, and he informed me that the road was picketed for two miles from the distillery, and on further consultation he said it would be useless to make the attempt, and he (——) declined to run the risk, as he was fully satisfied we could not get to the still-house. He here left us and Mr. Doyle and I, not feeling fully satisfied, concluded to make an attempt to take the place by force if possible, and to this end we secreted our horses and left one man in charge, and the party of five started to make a reconnoiter of the situation. We had not gone more than one-fourth of a mile from where we left Mr. —— until we found the first picket as —— had reported. This obstruction we flanked, and taking the opposite side of the creek to a point opposite the house of C. P. Carter, where we halted; here we heard talking as of a large party of men who were discussing our coming, and from points gained from their conversation we found all that —— had told us to be facts. We still thought we could possibly get between them and the still-house, and pushed a short distance up the creek, and were in the act of taking the road when we discovered another party coming down the road that outnumbered us two to one and fully armed with rifles. We secreted ourselves and soon found that from the number of violators we could not possibly get to the still-houses and accomplish any good with the small force at my command. After consultation Mr. Doyle and I deemed it best to withdraw and not draw on a fight that could result in no good to the department. We then returned to our horses and proceeded down the Hunter's Valley road to a cross-road that took us to the old Fincastle road at Duncan's Mills, which point we reached at five o'clock Saturday morning, 22d instant. We here fed and rested for two hours, then started for Estillville, passing down Clinch River and arresting Creed Salling and William Starns, illicit distillers, who were indicted at last term of United States court.

Very respectfully,

JAMES C. CONWAY,
Special Deputy Collector.

Capt. J. H. RIVES,
Collector Fifth District, Lynchburg, Va.

UNITED STATES INTERNAL REVENUE,
COLLECTOR'S OFFICE, FIFTH DISTRICT VIRGINIA,
Lynchburg, April 26, 1878.

SIR: I have the honor to inclose herewith copy of report of raid made in Giles County, from April 18 to 19, inclusive, under Deputy Collector R. M. Goodell.

Respectfully,

J. H. RIVES,
Collector, Fifth District, Virginia.

Hon. COMMISSIONER INTERNAL REVENUE,
Washington, D. C.

UNITED STATES INTERNAL REVENUE,
DEPUTY COLLECTOR'S OFFICE, FIFTH DISTRICT VIRGINIA,
Christiansburg, April 4, 1878.

SIR: I have the honor to report that I have been receiving information for some time that there was an illicit distillery in Giles County, not far from the mouth of the Spruce River, near New River, but have been unable to get any one to show me where it was. On Monday, 15th instant, I took a man and went to Newport and a little after dark we left there on foot, and traveled through the mountains and brush nearly all night in search of this distillery, and at last we found it in the brush, some five or six hundred yards above John Epling's house. We then returned and I got information that John and Ellis Epling were the owners of this distillery. I made complaint against them, and on Friday, 18th instant, I got up a raiding force, and in company with Deputy Marshal McLavery, we left this place and traveled to John and Ellis Epling's houses and arrested them; went to the distillery and destroyed that; the still was set up and ready for running; four mash tubs, but they were empty, but had the appearance of having been filled with mash and beer, the inside of them having been covered with mash. The still was about an 80-gallon still. We then started to return, and in Newport a lawyer desired to have the prisoners tried there, and when he found he could not, he got out in the street and called a crowd around him, and harangued them for some time, trying to excite them in behalf of the prisoners, and against the officers, and injustice of the laws, &c., saying that if he were in the prisoners' places he would be dragged to pieces before he would be taken out of there. But he failed to excite any feeling (that we could see) against us. We then returned to this place.

Very respectfully,

R. M. GOODELL,
Deputy Collector.

Capt. J. H. RIVES,
Collector Fifth District.

UNITED STATES INTERNAL REVENUE,
DEPUTY COLLECTOR'S OFFICE, FIFTH DISTRICT VIRGINIA,
Christiansburg, April 29, 1878.

SIR: I have just returned from a raid on Runnet Bag in Franklin County; had two men and two horses slightly wounded. I destroyed a large distillery, captured two men, was surrounded by an immense crowd of men, from fifty to seventy-five, armed with rifles and shot guns, who demanded the release of the prisoners, swearing they intended to kill every one of us. We refused to release them, and being armed with carbines we succeeded in keeping them from taking the prisoners, although they followed us some fifteen or twenty miles trying to waylay us.

Very respectfully (in haste).

R. M. GOODELL,
Deputy Collector.

Capt. J. H. RIVES,
Collector Fifth District Virginia.

UNITED STATES INTERNAL REVENUE,
COLLECTOR'S OFFICE, FIFTH DISTRICT VIRGINIA,
Lynchburg, April 30, 1878.

SIR: I have the honor to inclose you a short report received from Deputy Collector Goodell this morning, giving an account of a raid by him on two distilleries located

on Runnet Bag Creek, Franklin County, Virginia, which shows you how useful the carbines are which you kindly furnished me.

This particular locality is almost inaccessible, and the population rude and lawless.

Respectfully,

J. H. RIVES,
Collector Fifth District Virginia.

To COMMISSIONER INTERNAL REVENUE,
Washington, D. C.

UNITED STATES INTERNAL REVENUE,
COLLECTOR'S OFFICE, FIFTH DISTRICT VIRGINIA,
May 6, 1878.

SIR: I have the honor to request that you will furnish me with twelve carbines for use in this district, prepared for cavalry, with belts, &c., and a supply of ammunition. The recent raid in Franklin, and other portions of the district, make me feel that I should be able to arm a sufficient force to overawe all opposition wherever resistance is encountered, and that I should be prepared to act promptly and put down resistance, or it will increase.

Respectfully,

J. H. RIVES,
Collector Fifth District Virginia.

To COMMISSIONER INTERNAL REVENUE,
Washington, D. C.

UNITED STATES INTERNAL REVENUE,
COLLECTOR'S OEFICE, FIFTH DISTRICT VIRGINIA,
May 19, 1879.

SIR: Inclosed herewith I have the honor to transmit copies of reports of a raid as follows: Under Deputy Collector H. H. Dotson, from May 8 to 15, 1879, in Scott County.

Respectfully,

J. H. RIVES,
Collector Fifth District Virginia.

To COMMISSIONER INTERNAL REVENUE,
Washington, D. C.

UNITED STATES INTERNAL REVENUE,
DEPUTY COLLECTOR'S OFFICE, FIFTH DISTRICT VIRGINIA,
Bristol, May 15, 1879.

DEAR SIR: On Friday, the 9th of May, I left Bristol with Deputy Marshals J. H. Ballard, Conway, Caldwell, and Love, and nine men, on a raid into Scott and Lee Counties, on Blackwater and Newman Ridge. On the night of the 10th, at about eleven o'clock, we found the illicit distillery said to belong to Burt Gaines. We found in this distillery 10 tubs of beer (about 1,440 gallons), some 50 gallons low wines, 10 bushels meal, and four empty tubs. The still had been pulled out a short time before we found the distillery, and could not be found. After destroying the contents of this distillery, we then proceeded to the illicit distillery said to belong to Long & Maxey, on top of Newman Ridge, some three miles distant from the first distillery, which distillery we found a little before daylight. We found in this distillery 12 tubs of beer (about 1,728 gallons), about 100 gallons low wines. The still had also been pulled out and carried off. After destroying the contents of this distillery we made search for the still, which we succeeded in finding some 200 yards from the distillery, where it had been hid in the brush. This still was of about 120 gallons capacity. After destroying the still and still cap we started to go back to where we had hitched our horses. As we were passing through a field of cleared land near the residence of Maxey, one of the owners of the distillery, we were fired upon by a party of bushwhackers from a high point, which was thickly covered with timber and underbrush. The firing was kept up for some thirty minutes, and I suppose there were some sixty shots fired from my posse, and nearly as many from the bushwhackers. During the fight one of the bushwhackers was seen to fall as though he was killed; soon after

this they ceased firing at us. After remaining at the scene of action for some time to see whether they would renew the fight or not, and as they did not renew the fight, and seemed to have all left their position, we then came up the road some six miles and fed our horses and ate breakfast, at which place we remained until eleven o'clock.

After leaving this place we met with a man from Newman Ridge, who informed us that one of the bushwhackers had been badly shot. On Monday we were reliably, as I think, informed that he died Sunday night. This man is the man who it is said killed Vandewinter near the same place some two years since, and is of a desperate character.

We reached Bristol on our return on the night of the 13th, at about 12 m.

Respectfully submitted.

H. H. DOTSON,
Deputy Collector.

Capt. J. H. RIVES,
Collector Fifth District Virginia.

UNITED STATES INTERNAL REVENUE,
COLLECTOR'S OFFICE, FIFTH DISTRICT VIRGINIA,
May 23, 1878.

SIR: I have the honor to transmit copy of the detailed report of the raid made by my deputies on Runnet Bag Creek, Franklin County, May 16 to 18, inclusive.

Respectfully,

J. H. RIVES,
Collector Fifth District Virginia.

Hon. COMMISSIONER INTERNAL REVENUE,
Washington, D. C.

UNITED STATES INTERNAL REVENUE,
DEPUTY COLLECTOR'S OFFICE, FIFTH DISTRICT VIRGINIA,
Christiansburg, May 21, 1878.

SIR: We have the honor to make the following report of our raid to Runnet Bag Creek and its tributaries, in Franklin County, Virginia:

Deputy Collectors W. O. Austin, W. H. Oakley, and R. M. Goodell met at Christiansburg on the 16th instant, with the different forces they had employed, Austin th ten men, Goodell with twelve men, and Oakley with five men, and proceeded to the place of operations, meeting Deputy Collector Hartwell on our route with a pilot, who knew of the whereabouts of two illicit grain-distilleries. We then proceeded to get a pilot who knew of the residences of parties for whom the marshal had warrants for firing into officers on a previous raid. After getting our pilot for that purpose we divided our forces. Deputy Collector Oakley and ten men, accompanied by Deputy Marshal McLavey, proceeded to get a pilot, who took them down North Fork of Runnet Bag Creek, where we made two arrests (Robert Allen and John C. Allen), after which we broke up the distillery of Mat. Martin & Sons. We found 1 copper still, cubic contents about 80 gallons, 14 large mash-tubs. We found two 43-gallon barrels of corn whisky in Martin's cellar, and cap to still under Martin's bed. We arrested Mat. Martin and two sons and returned to fork of Runnet Bag Creek.

In the mean time Deputy Collectors Austin, Goodell, and Hartwell, accompanied by Deputy Marshal Hamlet, went around the brow of the mountain and down the South Fork of Runnet Bag Creek, and destroyed a distillery supposed to belong to George and Richard Goodson, a distillery belonging to James Nowlin and Samuel Jarrels, and a distillery belonging to P. G. Underwood. In our route around we had only succeeded in arresting one man, owing to the fact that they had been expecting us there for several days with a large force, and were in the brush on the scout, and for the same reason we found at the last-named three distilleries that the still had been taken out and hid in the brush. We, however, found large quantities of mash and beer and other fixtures pertaining to distillery, which we destroyed. After doing this we passed down Runnet Bag and joined Deputy Collector Oakley and Marshal McLavey and party. There we turned over all prisoners to Deputy Collector Oakley and Marshal McLavey, and proceeded to David Gillespie's distillery, leaving Oakley, McLavey, and ten men to guard the road at Samuel Nowlin's house, where they arrested J. P. Allen. We left them about an hour before daylight. At daylight the bushwhackers commenced firing into Deputy Collector Oakley's party from bluffs on both sides of the road, with about fifty yards of cleared land from fence to brush. Deputy Collector

Oakley sent out scouts and ran them back, but they continued firing at times for an hour and a half, by which time the bushwhackers had collected in considerable numbers. They kept concealed behind rocks, bushes, trees, &c., which made it impossible to tell their numbers, but supposed to number between 75 and 100 men. About seven o'clock in the morning they opened a galling fire into our men, which was returned, and our men behaved admirably well and staid under the firing as long as it was possible. We had two horses wounded, one fatally. We went down Runnet Bag and met Deputy Collectors Austin, Goodell, Hartwell, and Marshal Hamlet about one-fourth of a mile from where the fighting took place.

In the mean time Austin, Goodell, and Hartwell proceeded to David Gillespie's and destroyed one copper still, capacity 73 gallons, and all the fixtures pertaining thereto, together with a large quantity of slop and beer, and about 70 gallons of whisky was found at the head of Gillespie's bed, where he was lying, with cups, measures, &c., ready for selling.

We feel that the raid was quite successful considering the obstacles we had to contend with.

Yours, respectfully,

W. O. AUSTIN, *Deputy Collector.*
W. H. OAKLEY, *Deputy Collector.*
I. W. HARTWELL, *Deputy Collector.*
R. M. GOODELL, *Deputy Collector.*

Capt. J. H. RIVES,
Collector Fifth District Virginia.

UNITED STATES INTERNAL REVENUE,
COLLECTOR'S OFFICE, FIFTH DISTRICT VIRGINIA,
July 14, 1879.

SIR: I have the honor to inclose herewith copy of my letter to the governor of the State of Virginia in relation to certain infractions of the State laws by illicit distillers in Scott County, and already reported to you; also, a copy of letter received in reply from James McDonald, secretary of the commonwealth, which are forwarded for your information.

Respectfully,

J. H. RIVES,
Collector Fifth District, Virginia.

The COMMISSIONER OF INTERNAL REVENUE,
Washington, D. C.

LYNCHBURGH, *July* 10, 1879.

SIR: I have the honor to inclose herewith copies of letters from J. H. Ballard, deputy marshal, and from ——— ———, Scott County, stating that a mob of illicit distillers were hunting for him, and that one ——— ———, living near Estillville, Scott County, was attacked by the mob, and had to flee for his life. These men have piloted my deputy to several illicit distilleries recently.

I have the honor to respectfully request that you take such steps as will insure the peace of the commonwealth, protect the lives of unoffending citizens against these armed combinations of desperate men, who do not respect either the law of the United States or State of Virginia.

Very respectfully,

J. H. RIVES,
Collector Fifth District, Virginia.

Hon. F. W. M. HOLLIDAY,
Governor State of Virginia.

COMMONWEALTH OF VIRGINIA,
OFFICE OF SECRETARY OF THE COMMONWEALTH,
Richmond, Va., July 12, 1879.

SIR: The governor desires me to acknowledge the receipt of your communication of the 10th instant respecting certain alleged acts of lawlessness in Scott County occurring last month, and to say that he will lay the matter before the authorities of that county, not doubting that it will receive such attention at their hands as the law may make it their duty to bestow. Should further developments lay upon him the duty

of taking further action in the case, he will promptly exercise any power with which he may be clothed for the protection of any citizen of the State whose safety or rights are menaced, and for the enforcement of any law that may be violated or resisted.

Respectfully,

JAMES McDONALD,
Secretary of the Commonwealth.

J. H. RIVES, Esq.,
Collector, &c.

ABINGDON, *June* 25, 1879.

SIR: Inclosed please find copy of a letter received from ——— of Scott County, informing me of a raid upon him and ——— by the Newman's Ridge moonshiners. ———, ——— were our guides on the last raid made by Captain Dotson, your deputy in that vicinity. Can anything be done to put a quietus to this band of desperadoes? These men have rendered us good service and I think ought to be protected. Please let me hear from you.

I am, very truly yours, &c.,

JAMES H. BALLARD,
Deputy Marshal.

Capt. J. H. RIVES,
Collector Lynchburgh, Va.

BRISTOL, *June* 27, 1879.

SIR: I have been informed recently that a party of illicit distillers from the vicinity of Newman's Ridge, where I had a fight on May 11, 1879, came up in the vicinity of Speer's Ferry a few days since, and shot and wounded ———, who acted as my guide on the raid in May last. I expect to go to Lee County in July and spend a week or two, and procure all the information possible in regard to violations of internal-revenue laws.

Lee is the only county in my division where I apprehend trouble in breaking up this illicit traffic. In Lee the illicit distillers are very stubborn and seem determined to continue violating the law.

Respectfully,

H. H. DOTSON,
Deputy Collector.

J. H. RIVES,
Collector Fifth District, Lynchburgh, Va.

PATTONSVILLE, SCOTT COUNTY, VIRGINIA.

J. H. BALLARD, Esq.:

I will drop you a few lines to inform you of a Newman's Ridge mob.

The Newman's Ridge bushwhackers came up here on the hunt of me, and ———. I was at Estillville. They went to the field where ——— was at work, and shot him in the right shoulder, but ——— saved himself by flight.

I learn that they are stilling in the same old places. They have been up here twice hunting for me. Write to me what I had better do; whether I can get any help. If I don't I will have to leave this country.

Yours respectfully,

——— ———.

UNITED STATES INTERNAL REVENUE,
COLLECTOR'S OFFICE, FIFTH DISTRICT VIRGINIA,
July 9, 1879.

SIR: I have the honor to inclose herewith copies of letters received from Deputy Collector H. H. Dotson, Deputy Marshal J. H. Ballard, and ———, giving an account of an attack upon ———, of Scott County, who guided Deputy Collector Dotson to an illicit distillery in May last.

If you can do anything to protect Mr. ———, I will thank you to do it.

I have this day forwarded copies of these letters to the governor of Virginia, and requested that he take such steps as will insure the peace of the commonwealth and

protect the lives of her peaceable and unoffending citizens against these armed and unlawful combinations of desperate men, who do not respect either the law of the United States or State of Virginia.

Respectfully,

J. H. RIVES,
Collector Fifth District Virginia.

COMMISSIONER INTERNAL REVENUE,
Washington, D. C.

UNITED STATES INTERNAL REVENUE,
COLLECTOR'S OFFICE, FIFTH DISTRICT VIRGINIA,
Lynchburgh, November 18, 1879.

SIR: I have the honor to inclose herewith copy of a letter received from H. H. Dotson, in relation to organized bands of men in Scott County for the obstruction of internal-revenue officers in the discharge of their duties. I will thank you for any suggestions you may be pleased to make in the premises, as to how I shall proceed to break them up.

Respectfully,

J. H. RIVES,
Collector Fifth District Virginia.

COMMISSIONER INTERNAL REVENUE,
Washington, D. C.

UNITED STATES INTERNAL REVENUE,
COLLECTOR'S OFFICE, FIFTH DISTRICT VIRGINIA,
Bristol, November 2, 1879.

DEAR SIR: On the 23d of October last, I was passing through Scott County. I called at Mr. ———'s house, where I had, with other officers of the government, frequently stopped to get dinner, horses fed, &c. Mr. ——— showed me a note that had been left on his gate-post in front of his door some night previously by a clan of kuklux, notifying him that if he fed revenue officers any more his life would pay the forfeit. Notwithstanding the threats of those outlaws he gave me my dinner, &c.

Mr. ——— informed me that those outlaws were all in disguise and he could not recognize any of them. They came to his house expecting to find myself and Deputy Marshal Ballard there, as we had stopped there during the day. After they left they went to ———. ——— told Mr. ——— he knew three of the party. This clan, I have been told, is some twenty strong. I am going over in a few days to see ———, get the names of the parties he knew to be in the gang, make complaint and have them arrested and tried for this offense. If you have any suggestions to make in regard to the course I should pursue in breaking up this lawlessness, they will be thankfully received.

I think it highly important that it should be broken up; if they are not they will probably increase in numbers and finally revenue officers will be unable to pass through that portion of the county without being in danger of being killed or badly treated. The locality referred to is on Stony Creek, in Scott County.

Yours, respectfully,

H. H. DOTSON,
Deputy Collector.

Capt. J. H. RIVES,
Collector Fifth District, Lynchburgh, Va.

UNITED STATES INTERNAL REVENUE,
COLLECTOR'S OFFICE, FIFTH DISTRICT VIRGINIA,
Lynchburgh, January 19, 1880.

SIR: In reply to yours of 7th instant, I have the honor to state that I have some information of illicit distilling going on in Lee and Wise Counties, along the Tennessee line; that my Deputy H. H. Dotson is only waiting to obtain the services of reliable guides to make a raid, break up the illicit distilleries, and arrest these violators of the law, and for this purpose proposes to make Jonesville, the county seat of Lee County, his headquarters for the next two months.

The state of public feeling in this district has been very bad; the lives of my officers are constantly threatened, and persons who lodge and feed them for a night are waited on by a body of armed men who are disguised and masked, and are informed their houses will be burned or their property destroyed if they lodge or feed any more revenue officers. From recent letters received by me (copies herewith inclosed) it will be seen that the State authorities are taking steps to arrest and punish these parties, which I trust will have the effect of breaking up the opposition to the enforcement of the laws.

Respectfully,

J. H. RIVES,
Collector Fifth District, Virginia.

COMMISSIONER INTERNAL REVENUE,
Washington, D. C.

UNITED STATES INTERNAL REVENUE,
COLLECTOR'S OFFICE, FIFTH DISTRICT VIRGINIA,
Marion, January 12, 1880.

SIR: I have the honor to acknowledge the receipt of your letter of the 8th instant, and in accordance therewith to make the following report in relation to illicit distilleries in my division.

In the counties of Smyth and Wythe, I think illicit distilleries are a thing of the past. If there should be one or two which are occasionally operated they would be found in the Iron Mountains and so near the Grayson line as to practically belong to that county. In Bland County, while I have no positive information of the existence of illicit distilleries, I think there may be a few now and then in operation. In this connection I would state that the illicit stills now are not operated continuously, or in on e place, but are run at intervals, and moved from one locality to another; one still is also often used in turn by from five to ten persons living in a neighborhood. The still being owned either by all of them or by one person, the rest paying so many gallons of liquor to the owner as rent. This course renders it difficult for us to locate the still or convict the operators.

In Grayson, while illicit distilling has been largely diminished there are yet a number of stills in operation from time to time. In the body of the county, I have information, more or less complete, that some four to six stills are being used illicitly, while along the North Carolina line there are several which I think are operated alternately in Virginia and North Carolina.

The best people of Grayson, as probably of every county, are desirous that this illicit work should be stopped, but unfortunately they are in the minority; while in the particular communities in which the distilleries are located, the distillers and their friends control public opinion and silence opposition by threats to shoot informers, burn buildings, and kill the stock which part of the year ranges the mountains in their vicinity. In such sections revenue officials would be resisted by force, or waylaid and injured if they attempted to seize distilleries without a posse. It is very seldom that any citizen will assist a revenue official.

Very respectfully,

GEO. D. SMITH,
Deputy Collector.

Capt. J. H. RIVES,
Collector Fifth District, Lynchburgh, Va.

UNITED STATES INTERNAL REVENUE,
DEPUTY COLLECTOR'S OFFICE, FIFTH DISTRICT VIRGINIA,
Estillville, January 14, 1880.

SIR: In reply to your letter of the 8th instant, in regard to the illicit distillation of spirits in my division, I can state to you that there is less illicit distilling in my division than there ever has been. In Lee County I have information of two or three illicit distilleries, which I have located, and which are all I can get any information of in the county, and I believe this number is all that is being operated in the county at this time. In Scott County I don't think there is a single illicit distillery in operation at this time. In Wise County I have information of about two illicit distilleries, which I will have located in a few days. I expect to make an effort to seize and break up those illicit distilleries in Lee and Wise Counties soon. Those illicit distillers in Lee County make some threats of resistance, but I do not apprehend any trouble.

As to the public sentiment of the citizens in those counties, I can say that I believe all the best citizens of the county are in favor and will aid the officers all they can by giving information. I have found this to be the case of late, so far as my experience in the matter has enabled me to ascertain.

Respectfully,

H. H. DOTSON,
Deputy Collector.

Capt. J. H. RIVES,
Collector Fifth District, Lynchburgh, Va.

UNITED STATES INTERNAL REVENUE,
DEPUTY COLLECTOR'S OFFICE, FIFTH DISTRICT VIRGINIA,
Estillville, January 14, 1880.

SIR: The grand jury at this place to-day found a true bill of indictment against the three kuklux who are in jail, and against two others who have not been apprehended. The attorney for the commonwealth told me to-day that he was going to have a number of witnesses before the next grand jury, for the purpose of making other indictments.

The court appointed to-day twelve special policemen in the vicinity of Stony Creek for the purpose of suppressing the organization of kuklux in that vicinity. I am inclined to think it will be broken up in a short time.

I go to Jonesville to-morrow.

Respectfully,

H. H. DOTSON,
Deputy Collector.

Capt. J. H. RIVES,
Collector, Lynchburgh, Va.

FIRST DISTRICT OF WEST VIRGINIA.

Synopsis of correspondence.

1877.

Mar. 23. Letter from Commissioner of Internal Revenue to Collector Duval, furnishing him with additional officers to enforce the laws in his district, especially for the arrest of illicit distillers.

May 25. Letter from Commissioner of Internal Revenue to Collector Duval, urging continued and persistent effort to break up illicit distilling in his district; gives special directions in regard to raids.

June 1. Letter from Commissioner of Internal Revenue to Collector Duval. Officers will be protected against proceedings in State courts resulting in consequence of acts done by them in the lawful discharge of their duties.

June 25. Letter from Deputy Collector Scofield. Outrage upon a government witness near Spencer, W. Va.; he is dragged from his bed and hung to a tree until unconscious, and then driven from his home.

Sept. 7. Letter from Collector Duval. Operations against the illicit distillers in the southeastern counties of West Virginia. Attempted assassination of Deputy Collector Doolittle,* in command of the party; he is severely wounded and crippled for life.

1878.

Nov. 16. Telegram from Revenue Agent Atkinson; 920 indictments for illicit distilling made by the grand jury at Charleston, W. Va.

Dec. 6. Letter from Commissioner of Internal Revenue to Collector Duval, directing movements against illicit distillers in concert with collector of neighboring districts.

1879.

Feb. 10. Letter from Collector Duval. Operations against illicit distilleries in the southern border counties. Destruction of an illicit still while under fire.

Nov. 24. Letter from Commissioner of Internal Revenue to Collector Duval. Urges vigorous efforts to suppress any illicit stills that may exist in his district.

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* Mr. Doolittle is now employed in this office.—COMMISSIONER.

TREASURY DEPARTMENT,
OFFICE OF INTERNAL REVENUE,
Washington, March 23, 1877.

SIR: Your letter of the 20th instant is received. It is extremely important that the illicit distillation in your district be suppressed. As you have been before advised it will not be practicable to furnish any military force to assist the civil officers in the execution of their duties. An allowance for four special deputies for the balance of the fiscal year has been made to you. It is expected that you will use these officers, especially for the purpose of arresting illicit distillers and breaking up illicit distillation. Of course you are the best judge as to the proper time to commence operations, but it is desirable to do it as early as possible. Allowance to take effect April 1 and to continue until June 30.

Respectfully,

H. C. ROGERS,
Acting Commissioner.

ISAAC H. DUVAL, Esq.,
Collector Internal Revenue, Wheeling, W. Va.

TREASURY DEPARTMENT,
OFFICE OF INTERNAL REVENUE,
May 25, 1877.

SIR: Your letters of the 18th and 19th instants, inclosing reports in regard to operations for the suppression of illicit distillation in your district, by special deputies, are received.

I am much gratified at the energy displayed by the officers which you have selected for this important work, and commend their efficiency.

I agree with you that frauds of this character can only be suppressed by continued and persistent effort. It is my wish that you should follow up the raids already made by others as well planned and conducted as your former ones.

You will please call the attention of your subordinates to the importance of avoiding any acts of trespass upon private property; they should be very careful to destroy nothing except what is actually used for producing illicit spirits. This office will exercise all its power in protecting its officers against harm or annoyance for acts done in the lawful discharge of their duties.

You had better arrange for another raid through the infested localities as early as possible. It has been found that the best results can be attained by locating the stills previous to starting out upon the raid. If this can be done, I think it the better plan; but, of course, the details of this work must be left to your good judgment.

Respectfully,

GREEN B. RAUM,
Commissioner.

I. H. DUVAL, Esq.,
Collector First District, Wheeling, W. Va.

TREASURY DEPARTMENT,
OFFICE OF INTERNAL REVENUE,
June 1, 1877.

SIR: Your letter of the 28th ultimo, inclosing report from G. W. Atkinson, in relation to efforts being made by certain parties who have been connected with illicit distillation to intimidate your officers is received.

You are informed that this office will, as far as is within its power, protect all its officers and employés against annoyance and legal proceedings in State courts, resulting in consequence of acts done by them in the lawful discharge of their duty.

Respectfully,

GREEN B. RAUM,
Commissioner.

ISAAC H. DUVAL, Esq.,
Collector First District, Wheeling, W. Va.

UNITED STATES INTERNAL REVENUE,
DEPUTY'S OFFICE, FIRST DISTRICT WEST VIRGINIA,
Parkersburgh, June 25, 1877.

SIR: I respectfully submit the following report of recent occurrences in my division. At the term of the Federal court, held in Charleston, I had some Roane County men

indicted for violation of the revenue laws—retailing leaf tobacco. To-day one of the witnesses upon whose evidence the indictments were found came to my office and made the following representations:

Last Wednesday night 15 disguised men came to his house, near Spencer, broke down the doors, dragged him from his bed, blindfolded him, put a rope around his neck, and led him away to the woods. They then demanded him to take an oath that he would not appear in the case. He refused to do so, when they passed the rope over a limb and suspended him by the neck, until he was rendered almost unconscious. He was then taken down, but still refused to take the oath they demanded. After a short consultation among themselves the mob told him if he was found in the State after ten days he would be killed on sight; *that they had banded together* to prevent the prosecution of any man there for violation of *Federal laws.*

There were four witnesses in all, one of the others had been warned and had prepared himself to resist any efforts of a mob. The other two he had not heard from when he left. The man is here now and dares not return and has left his wheat uncut and his corn uncultivated. The man says he knows 12 of the 15 men who attacked him, and that four other members of his family will substantiate all that he has charged.

Very respectfully,

O. G. SCOFIELD,
Deputy Collector, First District West Virginia.

General I. H. DUVAL,
Collector First District.

UNITED STATES INTERNAL REVENUE,
COLLECTOR'S OFFICE, FIRST DISTRICT WEST VIRGINIA,
Wheeling, September 7, 1877.

SIR: I have the honor to report the following results of the operations of Deputy Collector L. Doolittle, assisted by ten special deputy collectors, against illicit distillers in the southeastern counties of my district, territory embraced in the late third district. This report is compiled from very detailed reports made to me by Deputy Doolittle and one of the ten special deputies who took charge of the raiding force after Mr. Doolittle was disabled by gunshot wounds, of which occurrence your office has already been advised.

Mr. Doolittle, with the ten specials, left Charleston, Kanawha County, the location of the deputy's office for that (the fifth) division, August 2, well mounted and equipped for a thirty days' campaign in the mountains bordering on and contiguous to the State of Virginia.

On the fourth day out (August 6), after traveling 92 miles, the party struck the first illicit establishment in Greenbrier County, operated by Joseph and Charles Price and George Judy. The establishment consisted of one copper still of 40 gallons capacity, and two mash-tubs of an aggregate capacity of 214 gallons, both of which were full of rye and corn mash, which they poured out, and completely destroyed the still and mash-tubs. There was no house or shed over the apparatus. Parties were preparing fuel to kindle fire under the still.

On the same day, after traveling 17 miles through the mountains, another partially dismantled establishment was found in a deep, gloomy ravine, about two miles from any residence. Only the still, without cap or worm, was found in the shanty used as a still-house. Mash-tubs and all other appliances had been removed and could not be found. This establishment seems to have been the property of Gaston and Thomas Patterson and John Duncan jointly, one of whom, under the influence of fright (not from any display of violence from the officers, however), admitted having operated the still during the fall of 1876 and winter of 1876–'77. These parties had not, either individually or jointly, given bond nor otherwise complied with the law as distillers, during the year ending April 30, 1877. The still, of 110 gallons capacity, the deputy removed to the house of a reliable resident of the neighborhood, taking a receipt therefor.

On the same day, August 6, the party visited the distillery of Henry Hutsonpiller, also of Greenbrier County, and although they found no evidences of recent distilling, yet they obtained from residents in the neighborhood so much evidence that seemed to be trustworthy, of Hutsonpiller having operated his still in the fall of 1876 (he had neither given bond nor registered "for use" for that year, though his distillery had been surveyed in September, 1873), they removed the still and mash-tubs to a place of storage to await the action of a United States grand jury at Charleston, in November next. This distillery was found, as usual, concealed in a deep ravine in an out of the way place.

Then continuing their operations, sometimes dividing the force and sometimes concentrating, as circumstances seemed to dictate, the following distilleries were destroyed, or the apparatus removed, according as the evidence of unlawful running was more or less conclusive:

On the 11th struck the distillery of John Bowen, in Greenbrier County, and destroyed eight mash-tubs and one worm-tank, some of the former containing small quantities of corn mash. The still had been removed, but was subsequently traced to a farm-house in the neighborhood. The owner of the farm and custodian of the still gave his receipt for the still, agreeing to hold it subject to the order of United States authorities.

On the 7th a detachment of the raiding force found and destroyed the distillery of William Taylor, in Greenbier County, except the still, which had been removed and hid in the brush, but which was subsequently found and removed to a point three miles distant and stored with a responsible party. In some of the mash-tubs destroyed were small quantities of corn and rye mash in process of fermentation.

On the 9th the same detachment struck the distillery of Henry Hoke, in Greenbrier County, where they found two stills of 120 and 60 gallons capacity, respectively, and seven mash-tubs and four whisky barrels. In one of the mash-tubs was found a quantity of spoiled apple-mash, evidently left over from distilling operations a few months previous. From this fact and the fact that the apparatus was in a secluded place, together with the testimony of neighbors that he had operated his still last fall and winter (though not a legalized distiller), the entire apparatus was removed to a place of storage eight miles distant.

On the 10th the same detachment found the distillery of Jacob Moss, in same county, which upon pretty strong evidence that it had been illicitly operated as lately as last fall, the apparatus, which consisted of one 80-gallon still and four mash-tubs, was removed and stored.

On the same day another detachment found in Nicholas County, on the border of the second district, West Virginia, the distillery of John Q. Harris, and destroyed seven mash-tubs and several barrels and half barrels, all of which bore conclusive evidence of having been recently used twelve days before, as the hired distiller admitted. The still had been removed to Webster County, in the second district, where it is alleged said Harris has and operates two or three other stills. Collector Brown has been advised of this allegation.

But not to make this report cumberously long by continuing details of operations, I will briefly enumerate the establishments found and destroyed up to the end of the month.

I inclose a printed slip containing the account of destruction, on the 18th, of the distillery of R. C. Lilly, *alias* "Shooting Bob," near which on the following Monday, August 20, Deputy Doolittle received his wounds. At this distillery, out in the open air, were found one copper still of 160 gallons capacity, four mash-tubs of 15 bushels capacity each, all full of rye and corn mash. All were entirely destroyed beyond possible reconstruction.

"The shooting of General Duval's deputy during the late raid in the southwest portion of the State.

"Many of our readers will no doubt remember that about two weeks ago there appeared in our telegraphic news a brief notice of the shooting and wounding of Internal-Revenue Deputy Collector L. Doolittle, of Huntington, in this State, while raiding illicit distilleries in Summers County.

"We have obtained from Collector Duval's chief deputy, Mr. T. R. Laird, who has just returned from a three weeks' official visit to the lower part of General Duval's district, some of the particular circumstances of the attempted assassination of Mr. Doolittle,

"It appears that when the late deputy collector, G. W. Atkinson, with a force of special deputies, made his very successful raid on crooked whisky stills in Mercer and adjoining counties, in April and May last—a full account of which we published at that time—one of the most notorious and desperate of the 'moonshiners' of that region, getting wind of the raiders, had removed his distilling apparatus to a place of concealment. The vigilance of Mr. Atkinson and his successor, Mr. Doolittle, was, however, equal to the emergency, and the 'shebang' was again spotted.

"During a more recent raid led by Mr. Doolittle, and extending through the entire month of August, Mr. Doolittle and his men pounced in upon the shebang and found it all in apple-pie order, fully charged and primed for the production of more of the 'crooked.'

"It is needless to say that the boys made short work of their prey, leaving only broken fragments for their owner to spirit away and conceal, should he desire a second time to take that precaution. This little skirmish occurred on Saturday, August 18. On the following Monday, Deputy Doolittle, having rested over Sabbath with his

men several miles away, and having a pretty clear inkling of another 'moonshine' shebang in the same neighborhood as the one demolished the previous Saturday, took a portion of his force and went back by a different route to clear that one out, if they could find the place of its abode in the mountains. In their search they went to the house of George W. Lilly, on the hills of Little Blue Stone River, to make certain inquiries which they had reason to believe said Lilly could answer. They found Lilly absent in the woods, hunting, as his family alleged, and while waiting for his return from the woods they took dinner with the family. After dinner, and Lilly not returning to the house, the party mounted and started to scour the adjoining woods, not in search of Lilly so much as of the old copper still and mash-tubs which they were on the track of. Having gone from a quarter to half a mile from the house, and while treading a bridle path through the brush, in single file, Mr. Doolittle in front, three shots were fired in rapid succession from the hillside above them. The first shot struck Doolittle in the left arm, passing entirely through it two inches below the elbow. Quick as thought Mr. Doolittle dismounted, but as he threw his right leg over his horse the second shot struck him on the knee, the ball, as subsequent examination showed, penetrating more than three inches inward and upward toward the knee joint.

"The party soon after returned to Mr. Lilly's house, their wounded leader being still able to ride his horse. Before reaching the house Mr. Lilly met them, he having, as he stated, returned home just at the moment the shots were fired, and started to see what was up.

"Mr. Doolittle was kindly cared for by Mr. Lilly and his family until the next day, when his men, assisted by several of the neighbors, carried him on a litter a distance of six miles to New River, whence he was conveyed by a bateau to Hinton, on the Chesapeake and Ohio Railroad. From that point he reached his home in Huntington by rail the following day.

"Mr. Doolittle's wounds, though not necessarily dangerous, are considered serious, and may result in a permanently lame leg, if not a crippled arm also.

"We are glad to learn that General Raum, Commissioner of Internal Revenue at Washington, as soon as he learned of Deputy Doolittle's misfortune, directed Collector Duval to continue him in commission and appoint another deputy to perform his official duties until he recovers.

"Mr. Doolittle was considered by the Internal Revenue Department a faithful and efficient officer, and it would seem that his energy got the better of his discretion in the venture which came so near costing him his life.

"After the wounding of Mr. Doolittle the leadership of the raiding party devolved upon one of the ten special deputies employed for the occasion, and the work was continued till the end of the month, resulting in the destruction of some fifteen illicit distilleries with considerable quantities of mash ready for distillation.

"This raid, together with that conducted by G. W. Atkinson last May, has developed the fact that but little regard is paid by the people of the mountain counties along the Virginia border to government laws relative to distilling whisky, and the local revenue officers are of the opinion that the 25 or 30 distilleries destroyed in that region by the two raids alluded to are only a small moiety of hundreds of unlawful establishments of the same kind hid away in almost every gulch and ravine of the mountains."

Very respectfully,

I. H. DUVAL,
Collector First District West Virginia.

Hon. GREEN B. RAUM,
Commissioner Internal Revenue, Washington, D. C.

[Telegram.]

CHARLESTON, W. VA., *November* 16, 1878.

Hon. GREEN B. RAUM,
Commissioner Internal Revenue, Washington, D. C.:

Grand jury adjourned to-day; nine hundred and twenty-eight indictments made.

G. W. ATKINSON,
Revenue Agent.

TREASURY DEPARTMENT,
OFFICE OF INTERNAL REVENUE,
Washington, December 6, 1878.

SIR: Inclosed I send you a copy of a letter this day addressed to Collector Rives, fifth district of Virginia, in regard to the contemplated raid agreed upon in my inter-

view with you yesterday. Somewhat similar letters have been addressed to Collectors Landram and Blaine, of the eighth and ninth districts of Kentucky.

I desire you to correspond with Collectors Rives, Landram, and Blaine, and advise them so fully of your contemplated operations as to preclude the possibility of any failure on the part of their forces to co-operate with yours. Inform them of the route your force will take, and indicate the time when and points where they can communicate, if necessary.

You are authorized to expend for this purpose the sum of $600 in addition to the amount already to your credit.

Please advise me fully as to the arrangements you make, and the exact time when your party will start, together with the point of departure, so that I can advise the other collectors.

Respectfully,

GREEN B. RAUM,
Commissioner.

I. H. DUVAL, Esq.,
Collector First District, Wheeling, W. Va.

UNITED STATES INTERNAL REVENUE,
COLLECTOR'S OFFICE, FIRST DISTRICT WEST VIRGINIA,
Wheeling, February 10, 1879.

SIR: In pursuance of authority and instructions received from your office during the months of October, November, and December, 1878, I sent out, on the 1st day of January, 1879, a force to operate against illicit distilleries in several of the border counties in the southern part of my district. Said force consisted at first of two deputy collectors—G. Morris and A. J. Beardsley—and nine employed men, all well mounted and armed. The force was out the entire month of January, less one day, and accomplished the following destruction of stills and fixtures, mash, material, singlings, and distilled spirits, to wit:

On the third day out a squad of the force under Deputy A. J. Beardsley found and destroyed, in Wayne County, a small still and fixtures, operated by John Bowen & Son, together with 30 gallons of cider.

Fire was found in the furnace under the still, but it was found deserted, the approach of the squad having been discovered in time to allow those operating the still to escape.

On the seventh day out the united force found and destroyed the still of Robert Cox, of Wyoming County, with 4 mash-tubs, 3 barrels, 70 gallons corn mash, and a small quantity of whisky. This still was not in operation, but was found secreted in a "fodder stack." Information was obtained that the owner of the still, with all able-bodied men of the neighborhood, had, on the approach of the raiders, fled to Kentucky, for the purpose, as was afterwards learned, of ambushing the raiders on the Kentucky side of the Big Sandy River, supposing that the West Virginia party would cross to Kentucky, which they did not do, thereby escaping attack from a formidable force of "bushwhackers." My force seemed to have seen or heard nothing of any raiding force in Kentucky, as the reports of my deputies make no mention of any such force.

From this point in Wyoming County to Perryville, in McDowell County, every one of several stills previously located were found to have been removed, some, it is believed, to Kentucky.

On the 12th, after two days' detention from high water and floating ice, my force formed a junction with the fifth Virginia force at or near Perryville, W. Va., and after agreeing upon plans for future operations, my force passed again into Wyoming County, where on the 14th they found and destroyed the still and fixtures of Hunt and Belcher, with 4 mash-tubs, 110 gallons mash, 20 gallons singlings, and 10 gallons whisky. This destruction was accomplished under fire from seven men with squirrel rifles on the hills above, and while there were narrow escapes from flying rifle balls, the whole party came off in safety after thoroughly accomplishing their work of destruction.

Very respectfully,

I. H. DUVAL,
Collector First District West Virginia.

Hon. GREEN B. RAUM,
Commissioner Internal Revenue, Washington, D. C.

TREASURY DEPARTMENT,
OFFICE OF INTERNAL REVENUE,
November 24, 1879.

SIR: Revenue Agent Atkinson, in a report under date of November 20, referring to the condition of affairs in your district, says that the grand jury made upwards of two hundred indictments, and the marshal has in his possession over one thousand capiases for as many different persons. It is supposed that Mr. Atkinson refers to indictments for violations of internal-revenue laws.

Also, speaking of the counties of Raleigh, Summers, and Mercer, he says that he does not believe that there is a more lawless section in the whole Union than that portion of the West Virginia district.

From the number of indictments found, it would appear that your officers have been quite zealous in looking up offenders, and I trust that you will be successful in getting convictions in the cases of the most importance.

If the condition of affairs in the counties referred to is as bad as stated by Revenue Agent Atkinson, it has occurred to me that you may need some further assistance in properly policing that portion of your district; if so, any aid that you may require will be furnished you. It is desired that you take vigorous measures to overcome all resistance to law, and that you see that illicit distillation is suppressed and the laws enforced.

Respectfully,

GREEN B. RAUM,
Commissioner.

I. H. DUVAL, Esq.,
Collector First District, Wheeling, W. Va.

DISTRICT OF SOUTH CAROLINA.

Synopsis of correspondence.

1877.

Jan. 17. Letter from Collector Carpenter. Wounding of Deputies Hendrix and Barton by illicit distillers while in discharge of their duty; encounter with outlaw Redmond.

Jan. 18. Letter from Collector Carpenter. Threats against revenue officers; armed forces organized to oppose them.

Jan. 22. Letter from Collector Carpenter. Visit of outlaw Redmond to Deputy Barton's house; robs him of horses and money; makes Barton's wife go to town with him and procure money on a check of which he had robbed Barton.

Jan. 24. Letter from Commissioner to Collector Carpenter. Preparations for vindicating the laws.

Feb. 7. Telegram from Revenue Agent Wagner. Reports that Deputy Marshal Robertson had two men killed and several wounded by illicit distillers in South Carolina.

Feb. 20. Letter from Revenue Agent Wagner. Rifle clubs composed of illicit distillers organized to resist the laws.

May 9. Letter from Secretary of War, transmitting report of Lieutenant Miller, Eighteenth Infantry, dated April 26, 1877; incidents of raid on illicit distillers; violent resistance to the laws; state of public sentiment.

April 27. Letter from Collector Carpenter. Raid on illicit distillers in Pickens County; forcible resistance to revenue officers.

June 13. Letter from Collector Carpenter. Cold-blooded murder of James Ledford, a former revenue guide, by illicit distillers.

June 14. Letter from Collector Carpenter. Further particulars of the murder of Ledford; also the murder of another guide, named Powers.

Aug. 6. Letter from Secretary of War, inclosing report of Lieut. John Anderson, A. A. Q. M., dated July 1, 1877. 'Protecting revenue officers in discharge of their duties; state of public feeling and character of the inhabitants.

Aug. 21. Letter from Commissioner to Collector Brayton, stating his wish to enforce the laws without the use of troops.

Aug. 23. Letter from Deputy Collector Jillson. Raid on illicit distillers; continuous firing on revenue officers; other evidence of violent resistance to laws.

Sept. 18. Letter from Commissioner Internal Revenue to Collector Brayton. Proposes to furnish collector arms and additional force to subdue resistance to law.

Sept. 20. Letter from Collector Brayton. Firing on a revenue force while watering their horses.

Dec. 28. Letter from Deputy Collector Kirkland. Release of prisoners in custody of revenue officers for violation of law in Union County by a rifle company composed of 200 men; lawless proceedings.

Dec. 29. Letter from Collector Brayton. Comments on the forcible release of prisoners by a militia company in Union County; reporting another similar outrage occurring in Spartanburgh County, where two prisoners in custody of revenue officers were rescued by an armed mob and their team released.

1878.

Jan. 3. Letter from Commissioner of Internal Revenue to Collector Brayton. Expresses determination to suppress violation of laws, and suggests preparations to effect that end.

Jan. 8. Telegram from Revenue Agent Wagner. Warrants issued for five principal parties implicated in the rescue of prisoners, but they refuse to be arrested; promise to come in, however.

Jan. 12. Letter from Revenue Agent Wagner. Examination of parties concerned in rescue of prisoners; evidence sustains the report of officers.

Jan. 21. Letter from Commissioner of Internal Revenue to Collector Brayton. Character of revenue officers must be of a high standard; moral support of communities necessary and desired.

Jan. 29. Letter from Collector Brayton. Outrage upon merchant in Spartanburgh County because suspected of being an informer against illicit distillers.

Mar. 2. Letter from Collector Brayton. Reports raid on Hogback Mountain for illicit distillers; distillers signal for alarm; firing upon posse; tampering with bridges; retreat of officers from the dangerous country.

Mar. 12. Telegram from Commissioner of Internal Revenue to Collector Brayton. Employ 100 men, if necessary, to vindicate the law.

Mar. 13. Telegram from Commissioner of Internal Revenue to Collector Brayton. Further instructions in regard to organizing force and moving against the outlaws.

Mar. 13. Letter from Deputy Collector Hoffman. Raid to Kern's River; the outlaw Redmond and his band on the track of officers; robbery committed by him; inhospitality of the people to officers.

Mar. 16. Letter from Commissioner of Internal Revenue to Collector Brayton. Increases offer of reward for arrest of Redmond to $300; importance of his capture.

Mar. 17. Letter from Collector Brayton. Detailed report of release of illicit distillers from jail at Easley by the outlaw Redmond; how he terrorizes the country; killing of a guide; lynching of another; better feeling among the people as regards enforcing the laws against Redmond.

Mar. 18. Telegram from Commissioner of Internal Revenue to Collector Brayton. Expresses gratification at the successful operations in Pickens County, and that State officers and citizens extend aid to capture jail-breakers. "Extend operations to other counties."

Mar. 29. Letter from Commissioner of Internal Revenue to United States Attorney Northrop relative to United States officers being prosecuted under State laws.

Mar. 30. Letter from Collector Brayton. Expedition from Walhalla to capture illicit stills; illicit distillers captured with arms in their hands.

April 4. Letter from Collector Brayton describing raid on illicit distillers; violence shown by the wives of illicit distillers when their arrest was attempted.

April 9. Letter from Deputy Collector Hoffman. Account of raid near Whitaker, S. C.; capture of one Hardin, an illicit distiller, called the "King Pigeon of York," after a desperate resistance.

April 20. Letter from Collector Brayton. Announces the assassination of Deputy Marshal Rufus Springs while engaged in suppressing an illicit distillery.

April 29. Letter from Deputy Collector Hoffman. The pursuit of the outlaw Redmond; firing upon posse by persons in ambush; guide wounded and a horse shot.

June 10. Letter from Deputy Collector Kane. The pursuit of the outlaw Redmond; surrounding his house; killing of Amos Ladd, who was resisting the officers in discharge of their duty.

June 13. Letter from Revenue Agent Wagner. Arrest of United States officers by State authorities for the killing of Ladd.

June 29. Letter from Collector Brayton. Interesting account of an expedition into North Carolina; arrest and escape of a jail-breaker; murder of a cattle-dealer under the supposition that he was a revenue officer.

Aug. 2. Letter from Commissioner of Internal Revenue to Collecter Brayton. Voluntary surrender of 60 illicit distillers to officers of law; collector authorized to announce that if they abstain from violations of law and contribute

to a public sentiment favorable to the enforcement of the laws they will be entitled to the clemency of the government.

Sept. 1. Letter from Deputy Collector Gyles. Public sentiment in regard to the outlaw Redmond; his popularity; his name cheered at a public meeting in in Pumpkintown.

Sept. 2. Letter from Deputy Collector Hoffman. Threats of Redmond against the government officers; his popularity among the masses; he is cheered by an excited crowd at Pickens Court-House.

Sept. 7. Letter from Commissioner of Internal Revenue to Collector Brayton in regard to capture of Redmond; states that this duty devolves more particularly upon the marshal; the special force of deputies is to suppress illicit distilling; if any combination of illicit distillers is found it will be put down with an overwhelming force.

Nov. 21.. Letter from Deputy Collector Hoffman. Threats against revenue officers by armed men in Abbeville County; forty men surround the house where they are stopping, but conclude to retire on the interposition of the family; discharging their rifles as they go.

Jan. 11. Telegram from Collector Brayton. Seizure of a blockade whiskey wagon, two mules, and 72 gallons of whisky near Walhalla, S. C.; seized property was recaptured by a gang of Georgians.

Feb. 10. Letter from Collector Brayton. Attempted capture of a notorious blockader named Jake Mall and his team, and his escape after a desperate struggle with the officer and his assistant, both of whom were wounded.

Mar. 14. Letter from Commissioner of Internal Revenue to Collector Brayton. Suppress illicit stills and encourage the erection of legal distilleries.

Apr. 17. Telegram from Collector Brayton. Capture of stills; government officers fired on 18 miles from Walhalla, S. C.

Apr. 19. Telegram from Collector Brayton. While engaged in destroying illicit stills, 12 miles from Spartanburgh, officers fired on; deputy collector wounded in the thigh and shoulder.

UNITED STATES INTERNAL REVENUE,
COLLECTOR'S OFFICE, DISTRICT OF SOUTH CAROLINA,
Columbia, January 17, 1877.

SIR: In my report to you of the 14th instant, relative to the shooting of my deputy, E. H. Barton, I only gave so much as I had at that time received by telegram. I am just in receipt of Mr. Barton's official report, from which I glean the following facts: It appears that Redmond, the murderer of Duckworth, has been engaged in peddling whisky through the upper portion of this district during the past five or six months, and that Deputy Barton has often been upon his trail, but never but once before came up with him. Upon the night of the 11th instant Barton received information from a trusty scout that Redmond was but a few miles away with a two-horse whisky wagon, loaded. Hastily summoning four trusty men he set out for the place, where they arrived at about 1 a. m. the morning of the 12th. These men accompanied Barton upon a promise of sharing in the reward offered by the North Carolina authorities for the apprehension of Redmond. It was arranged that one of the party named Hendrix should enter the house where Redmond was stopping, upon the pretense of buying some whisky, and if the man Redmond was there he should strike a light, as a signal for Barton and his party to enter. Everything was carried out successfully. Barton entered, secured two prisoners, Redmond and one other, and at once tied Redmond's arms. Not having quite rope enough to tie his legs, he went out the door to where his wagon was standing to get a portion of the harness to complete the bindings. Scarcely had Barton reached the open air before Redmond sprang from among those around him, left the same door where Barton had just gone out, and made for the timber, about 50 yards away. He was bare-headed, bare-footed, and in his shirt sleeves. The snow was at least four inches deep at the time, and the night quite dark. Barton immediately brought his double-barreled shot-gun to bear upon the flying fugitive, but it missed fire the first time, and before he could get the other barrel ready, Redmond had got so far into the timber as to be invisible. The party immediately hitched up the team which they captured from Redmond and started toward Easley, the home of Deputy Barton. They had not proceeded more than half a mile from the house before they were fired upon from the roadside by some persons in ambush. The first shot did not take effect, but in a moment another discharge took place, when Barton received five shot in his right fore-arm, and one in his thigh; all flesh wounds, and not serious; but Hendrix was badly wounded in the testicles, instead of the chest, as reported in my last. Seven buck-shot passed through his scrotum and testicles, one through his penis, and one through the fleshy part of his thigh. Several shots were fired in return, but with no effect. The party then proceeded along

for two miles farther and approached the house of one Pepper, where they were first refused admittance, but, upon threatening to break down the door, they were reluctantly admitted, but were insulted and abused and refused all comforts of every kind. The man refused to go for a surgeon to attend the wounded men, although one lived but two miles distant. Daylight came and one of the party soon obtained the services of a surgeon. My party was armed with one double-barreled shot-gun and five common pistols, which, at short range, would have done good service, but Redmond and party were armed with heavy double-barreled shot-guns, good at long range, and amply provided with ammunition; while Barton had but four loads for his gun. He made an effort to buy powder and shot, but no one could be found who had any to sell or give away. The party separated soon after the wounds of the injured men had been dressed, Barton going with two guards towards his home at Easley, the balance going the other way toward Liberty.

About four miles from Pepper's house, Redmond again made his appearance, accompanied with two men, all armed with guns, and making rapid strides across the fields toward the party guarding the wounded man Hendrix. One of the guards, W. F. Gary, late storekeeper in this district, lost his hat in his flight, and stopped to get it; but Redmond came up so fast that he thought he would not trust himself, but sent back one of the men taken from Pepper's as a guide to get it for him. Before he reached the hat Redmond had arrived there. He at once asked for Barton; and upon being told he had gone the other way, and was probably several miles on his way home, gave up further pursuit and left. This man Redmond is a desperate fellow, ready to take human life whenever one interferes with his plans in any way.

This instance illustrates the danger and difficulty attending any attempt to capture these illicit traders. If Barton had succeeded in securing Redmond, I seriously doubt if he would ever have got out of that section alive with his prisoner. The people are banded together to defy the United States revenue officers, and it is not strange that they should be so. When Hampton was making his canvass of this up-country, he told the people that if he were elected governor they could have their little stills on every branch if they desired, and no one should molest them. And is not Hampton more potent than the United States? These people believe he is, and they act according to their belief.

In this connection, I desire to state that I have now located 70 distilleries in the county of Greenville alone, and 24 in Spartanburgh; while I have no doubt that this is not the half of the number now in operation in those two counties.

With United States soldiers, I can break up every one of those located, and many more in addition; but without troops, an officer's life upon an expedition of this character would not be worth a farthing. There never was a time when we needed them more than now, for at no time since the war has the law been so openly defied as during the past two months.

The intendant, or mayor, of a town in the upper part of this district, yesterday officially informed me that five whisky wagons were camped within two miles of his house, on their way to Abbeville and from thence to Georgia. They pass there regularly, but are all heavily armed. I am powerless alone; but think much could be done to break up this traffic, if I had a mounted force to act in conjunction with me.

Cannot the department offer a reward of two or three hundred dollars for the capture of this man Redmond, for his attempt to murder Deputy Collector Barton upon this recent raid? Something ought to be done to rid the country of such a desperado. His capture and conviction would do much towards breaking up the traffic.

Very respectfully,

L. CASS CARPENTER, *Collector*.

Hon. GREEN B. RAUM,
Commissioner, Washington, D. C.

UNITED STATES INTERNAL REVENUE,
COLLECTOR'S OFFICE, DISTRICT SOUTH CAROLINA,
Columbia, January 18, 1877.

SIR: I have the honor to state that since writing my report yesterday of the shooting of Deputy Collector E. H. Barton, I have received a letter from an official in Pickens County, near where Mr. Barton resides, from which I make the following extract: "It is now affirmed by certain persons (I learn) that these d—d revenue officers shall be killed outright. I was informed to-day by a colored man that 25 mounted men passed near this place last night (the 15th) and swore they intended to have the horses, &c., that Barton and his guard captured; these men were armed with guns, pistols, axes, &c. I assure you that unless there are United States troops sent into this section to put down the whisky traffic and stop the shooting of United States officers, we all might as well get out of this country. Revenue officers and d—d radicals

are all classed together by the would-be rulers here. I am uneasy for Barton every moment, and would not be surprised to hear of his being murdered at any time."

I am of the opinion that unless something is done at once toward sending military to the region of Greenville, my officers will be compelled to leave that section entirely. There are several companies of troops stationed in this city, only ten hours distant from Greenville, where they could be sent without detriment to the military arm of the service. One company sent to Greenville would be sufficient.

Very respectfully,

L. CASS CARPENTER, *Collector.*

Hon. GREEN B. RAUM,
Commissioner, Washington, D. C.

UNITED STATES INTERNAL REVENUE,
COLLECTOR'S OFFICE, DISTRICT SOUTH CAROLINA,
Columbia, January 22, 1877.

SIR: I beg leave to report some additional facts relating to the recent raid upon Deputy Collector Barton, which only serve to corroborate my assertions relative to the character of a large class of the citizens of the upper portion of my district. Mr. Barton's official report is just at hand, and I quote therefrom as follows:

"Just after daylight, before I had got out of bed, Redmond, with nine of his heavily armed mountain roughs, came dashing up to my house and surrounded it, and demanded that I should come out. My wife went first (she was up when they came) and stopped them at the gate until I could get ready to go out. I expected nothing else but to be shot the moment that I walked out, but I saw it was the only alternative, so I marched out and told him I was there, and he could dispose of me as he liked. He then said if I would return to him the horses, &c., that I took from him he would let me off, but if I did not he had come there to kill me and intended to do it before he left. After I told him his horses were in Greenville, he ordered two of my horses brought out; made my wife get on one of them and go with them to Easley and get the money for a check which I had just received from Colonel Wallace. She paid him $105 cash. He then made her dismount in the public streets, took the best horse I had, worth at least $100, and returned to her the other one. He said that he would not take the last thing I had; also said that I had paid him very well for what I had taken away from him. The citizens of Easley looked on and saw the money paid to him and the horse taken away from my wife in open daylight, and all that was said was, *hurrah for Redmond;* he has done just right."

This, let it be borne in mind, all took place in the heart of a village, at a railway station on one of the principal trunk lines of the South, and in broad, open day, and not a citizen raised his voice against the outrage, but, on the contrary, applauded the criminal in the commission of his crime, and that criminal, too, known to them all as a murderer who had fled from justice. He closes his report as follows:

"Do, if you please, furnish me with assistance. My life, the lives of my family, as well as what little property I have, depend upon the arrest or death of Redmond. My wife gave up under the excitement of yesterday, and is not able to be up to-day. I have learned that after Redmond left Easley he went with his crowd to Pickens Court-House, put up at the hotel, had his horses and party all fed, feasted and fared sumptuously. I hope to hear from you immediately."

This report demonstrates to what length these devils will go to accomplish their ends. It is reported to me that Redmond will be at a certain place on Saturday next to begin another tour of whisky-peddling. I have this day applied to General Ruger for troops to act as a guard to my officers in their attempt to capture him, and hope I may be able to get them. If I can get the military escort, and the fellow appears at the appointed time and place, it is my opinion that he won't get off again.

Very respectfully,

L. CASS CARPENTER, *Collector.*

Hon. GREEN B. RAUM,
Commissioner.

TREASURY DEPARTMENT,
OFFICE OF INTERNAL REVENUE,
Washington, January 24, 1877.

SIR: Your communication of the 20th instant, containing copy of a telegram received from Deputy Collector Barton, informing you of a visit which he had recently received from the distiller Redmond, is received.

I concur with you that these high-handed outrages, now being committed in South Carolina and other States, ought to be stopped, and the majesty of the law vindicated. I am using every effort to secure aid to enforce the internal-revenue laws in your and other districts, and am glad to inform you that the bad condition of affairs is recognized by the Executive and all the departments, and a determination is expressed to use all lawful means for the collection of the revenue and the punishment of offenders.

The commander of the department embracing your State has been directed to furnish troops to aid the officers of internal revenue in the discharge of their duties. Revenue Agent Jacob Wagner has been directed to purchase horses to mount the troops, and to inaugurate vigorous movements to suppress frauds and arrest violators of law in his district. He will confer with you at an early day. I know that you will heartily co-operate with him, and trust that you and he may be able to enforce the laws, and bring to punishment many of the offenders.

In regard to the pay of deputies, I have only to say that the allowance to your district is in due proportion with allowances made to other districts, and the salaries are as high as they can be fixed under the appropriation.

Respectfully,

GREEN B. RAUM,
Commissioner.

L. CASS CARPENTER, Esq.,
Collector of Internal Revenue, Columbia, S. C.

[Telegram.]

Hon. GREEN B. RAUM,
Commissioner of Internal Revenue, Washington, D. C.:

GREENSBOROUGH, N. C., *February* 7, 1877.

Deputy Marshal Robertson, South Carolina, just reports two men killed and several wounded by illicit distillers, raided on by him, without troops. Am hurrying to provide Major Stewart with horses so we can stop this resistance.

JACOB WAGNER,
Revenue Agent.

UNITED STATES INTERNAL REVENUE,
Greenville, S. C., February 20, 1877.

SIR: I have the honor to report that I returned this evening from a raid on illicit distillers in a section of the north end of this, Greenville, County, known as "Chinquopin," where we broke up ten distilleries and arrested nine distillers. In this section there are three "Hampton Rifle Clubs" organized, composed largely of illicit distillers, who have weekly meetings, and have recently resolved that any effort to suppress illicit distilling, or to arrest any of the members of the clubs, would be resisted. We entered the section by a rapid night-march, accompanied by Lieut. John Anderson, Eighteenth Infantry, with 16 mounted soldiers, and by careful movements prevented an opportunity for concentration of the distillers, and escaped the threatened resistance. This raid will be immediately followed up by others, to which I will give personal direction,

Very respectfully,

JACOB WAGNER,
Revenue Agent.

Hon. GREEN B. RAUM,
Commissioner of Internal Revenue, Washington, D. C.

3632.] WAR DEPARTMENT,
Washington City, May 9, 1877.

SIR: I have the honor to transmit for your information a copy of a report of Lieut. W. A. Miller, Eighteenth Infantry, of operations of a detachment under his command which left Greenville, S. C., April 23, 1877, to assist and protect revenue officers in the execution of the revenue laws in Pickens, S. C.

Very respectfully, your obedient servant,

GEO. W. McCRARY,
Secretary of War.

The Hon. the SECRETARY OF THE TREASURY.

GREENVILLE, S. C., *April* 26, 1877.

SIR: In compliance with orders No. 32, post of Greenville, S. C., April 23, 1877, herewith inclosed, I have the honor to report that I left this post with my detachment at 4 p. m., April 23, 1877, accompanied by Deputy Collectors Scruggs, Hubbard, and Geary, and Deputy Marshals Spring and Moore, destined for the northern post of Pickens County, South Carolina, and what is known in this section as the "Rocky Bottom County."

At a distance of 35 miles from this place, and in the above-named county, the deputy collectors and marshals destroyed two large distilleries, one still-cap and worm, about 30 gallons of corn whisky, 40 gallons of low wines, 2,300 gallons beer and mash, five bushels corn malt, and arrested six men, charged with violating the revenue laws. Two of the parties arrested belong to the Redmond band, and when Deputy Collector Hubbard and Deputy Marshal Spring went to arrest them, they resisted arrests and attempted to cut the collector and marshal with a cavalry saber and shoot them with a revolver, and had it not been for the timely assistance given by the other civil officers and myself, I am confident two or more would have been killed. As soon as the alarm of resistance was given, I, with the civil officers, went to the house and assisted in securing the prisoners. We were there threatened with the Redmond band, and one of the men arrested, also the owner of the property, started one of his children after Redmond and his party, the child receiving the instructions in our presence. I then told the prisoner that he could also inform Mr. Redmond and party that I would wait in that neighborhood five hours for him, which I did. I was informed that Redmond has at least one hundred and fifty men who will answer his call at any time, and I am confident that the whole Rocky Bottom and Cain Creek County is banded together to resist the revenue officers, and only the strong detail I had with me prevented resistance. As soon as the alarm was given from the house, it was immediately answered by the firing of guns, blowing of horns, &c. This form of alarm was carried throughout the entire country. We could hear it carried along for miles away.

I would respectfully recommend that hereafter strong details well supplied with ammunition be sent on raids in that country.

After the halt of five hours I left for Pickens Court-House, distance sixteen miles, arriving there about 2.30 p. m., April 24; turned over the prisoners to the jailer of Pickens County and then returned to this post, distance twenty-two miles, arriving here at 10 p. m., April 24.

RECAPITULATION.

Number of still-caps and worms destroyed	1
Number of distilleries destroyed	2
Number of gallons corn whisky destroyed	30
Number of gallons low-wines destroyed	40
Number of gallons beer and mash destroyed	2,300
Number of bushels of malt destroyed	5
Number of prisoners arrested	6
Number of miles marched	73

Very respectfully, your obedient servant,

W. A. MILLER,
First Lieutenant Eighteenth Infantry, Commanding Detachment.

The POST ADJUTANT,
Post of Greenville, S. C.

UNITED STATES INTERNAL REVENUE,
COLLECTOR'S OFFICE, DISTRICT SOUTH CAROLINA,
Columbia, April 27, 1877.

SIR: I have the honor to state that on the 24th instant I sent out a raiding party from Greenville to operate against the illicit distillers in Pickens County, which returned last night after having destroyed two distilleries, with 2,000 gallons of mash and beer and several gallons of whisky. The party was accompanied by a small detachment of United States troops, and it was fortunate that it was, for in an effort to seize some whisky found in one of the houses, claimed by one Porter, the deputies met with violent resistance, and would have been driven off had not the troops opportunely appeared. Porter is one of the Redmond gang, and was defiant until the troops came up. Redmond, who lives in the vicinity of Porter's place, was sent for, and an effort made to capture the three deputies who had gone two miles or more ahead of the soldiers, and I have no doubt the effort would have been successful had the distillers had a little more time. Porter was captured and taken to Pickens and incarcer-

ated in jail on a charge of illicit distilling and forcibly resisting a revenue officer in the discharge of his duty. These people are more bold and defiant than ever.

Very respectfully,

L. CASS CARPENTER, *Collector.*

Hon. GREEN B. RAUM,
Commissioner, Washington, D. C.

UNITED STATES INTERNAL REVENUE,
COLLECTOR'S OFFICE, DISTRICT SOUTH CAROLINA,
Columbia, June 13, 1877.

SIR: I regret the necessity which compels me to record another brutal, cold-blooded murder by illicit distillers and their friends and sympathizers. I am in receipt of information by telegraph of the murder yesterday, 11th instant, of James Ledford, a man living near the Block House, in Spartanburgh County, and who has rendered considerable service to my officers in their efforts to suppress illicit distilling in that region.

It appears that the illicit distillers ascertained in some way that Ledford had assisted the revenue officers, and yesterday they visited him in force, under the leadership of John Weaver and Budd Casey, and literally butchered him to death.

There were at least a dozen men in the party, some of whom belong in North Carolina, and they threaten to visit Spartanburgh and Greenville and clean the revenue officers from both places. This threat, however, they will scarcely attempt to carry into execution so long as any United States troops remain in that vicinity.

These men seem to become more bold and defiant every day. Scarcely a day passes in which information does not reach me of some fresh outrage by illicit distillers or dealers in contraband whisky and tobacco. They seem to have got the impression from somewhere that Wade Hampton can save them from any further payment of tax to the United States Government, and they flatly refuse to have anything more to do with revenue matters, and say they intend to do business the same as they have been doing it for the past two or three years, but without the payment of any more revenue tax. Deputy Collector Crefut informs me that in one of his counties (Beaufort), where there were upwards of 100 special-tax stamps sold last year to dealers in retail liquor, less than half that number have been sold this year, and some of the parties who did business last year are unwise enough to tell him that they shall continue their business, but they do not intend to pay any tax therefor.

In some of the counties of the State my officers hardly dare venture, for fear of being arrested upon some trumped up charge, thrust into jail, and then taken out at night by Redmond or some of his gang and murdered. The State officers are not only tacitly in sympathy with these ruffians, but actively so in many cases, and afford them all the protection or immunity from arrest or punishment in their power. I very seriously doubt if the sheriff in either of the counties of Greenville, Spartanburgh, Oconee, Pickens, or Laurens could be induced to serve a warrant upon one of these violators of the law, if the same were sworn out by me, or by any revenue officer.

It is idle to talk of creating any respect for the government or any regard for its laws in a community arrayed almost to a man against it and its officers.

The personal character of the officer has but little if any weight here, for so certain as he attempts to perform his duty and enforce the laws, just so soon he will be decried, derided, vilified, abused, threatened, and if a convenient opportunity offers will be murdered, as Hendrix was in February last, and as Ledford was yesterday.

Very respectfully,

L. CASS CARPENTER, *Collector.*

Hon. GREEN B. RAUM,
Commissioner, Washington, D. C.

UNITED STATES INTERNAL REVENUE,
COLLECTOR'S OFFICE, DISTRICT SOUTH CAROLINA,
Columbus, June 14, 1877.

SIR: Since writing my communication of the 13th instant, later intelligence has reached me of the murder of James Ledford, which puts a more atrocious phase upon the affair than was reported by me yesterday. It appears that the Spartanburg and Asheville Railroad, a new public thoroughfare not yet fully completed, was opened to the public on the 12th instant, and an excursion train was run from Spartanburg to the terminus of the road (as far as completed) to a place called the "Block House,"

near the North Carolina line, and 22 miles from Spartanburg. The passengers upon this train were mostly from Spartanburg, and among them was James Ledford, who formerly lived near the scene of the murder, and was at one time engaged in the whisky business. It also appears that about three or four weeks ago one Budd Casey was arrested by the United States authorities for violation of the revenue laws, and Ledford was suspected of furnishing the information which led to Casey's arrest. The latter escaped from the officers, and had not been seen since his escape until day before yesterday.

Upon the approach of the train to the "Block House" (which, by the way, is a sort of headquarters for illicit distillers on account of its proximity to the boundary line of two States), John Weaver and Budd Casey, accompanied by about 30 more of their friends, went to the train, and, finding Ledford on board, began to abuse him in various ways, and finally accused him of betraying them to the revenue officers. Ledford made such defense of himself as he could until it was time for the train to return, and as the cars were about to start, and while Ledford was upon the platform, he was seized by Casey, dragged from the train, shot in the back with a pistol, and literally cut to death with knives in the hands of the infuriated fiends. The sheriff and some of his deputies were present and saw the murder, but made no effort whatever to stay the hands of the murderers or warrant them after the deed was committed.

Casey, it is said, stood by the train, with his knife dripping with Ledford's blood, defying any person to arrest him or any of his gang.

The sheriff, instead of summoning a posse at once and making an attempt to arrest the murderers, went back with the train to Spartanburg, but after reaching there concluded to return with a posse to attend the inquest and attempt to "find the murderers." Several hours were thus given them to get away, and the chances are that none of them will now be found, even if there was any disposition to find them on the part of the officers, as I believe there is not.

This is the second person murdered by these bloodthirsty ruffians during the past two weeks. The other man was named Powers, who was murdered in open day, while at work in his field, and but a little distance from his home where his wife and children were. No one saw him murdered or knows who committed the deed; but it is believed, by those in the immediate vicinity of the murdered man, to have been committed by Redmond in person, as he was the only man seen in that vicinity during the day upon which the murder was committed. The deed was not known for several hours after the death of the victim, and was found out by his failure to return to his home for his meal. Powers has furnished information to revenue officers, and in this way put himself under the ban of the illicit distillers.

The State authorities will, no doubt, pronounce the murder of Ledford as the result of a "personal feud," and will refuse to regard it in the light of an assault upon a government officer. Although Ledford was not, in reality, a revenue official, he was so regarded by the illicit distillers who murdered him, and was killed for no other reason than because of his supposed connection with the revenue service.

Had I been on board that train at the time, an utter stranger personally to every man in that murderous gang, I would have been treated just as Ledford was, and so probably would any other revenue officer have been treated had it been known among the villains that he held such an official relation to the United States Government.

Will the United States protect its citizens where State authorities neglect or refuse to do so, or will it see its laws set at defiance, its officers brutally slain in the discharge of their duty, and then set up the plea that there is no power in the organic law to redress so monstrous a wrong?

Very respectfully,

L. CASS CARPENTER, *Collector.*

Hon. GREEN B. RAUM,
Commissioner, Washington, D. C.

WAR DEPARTMENT,
Washington City, August 6, 1877.

SIR: I have the honor to transmit, for your information, an extract from a report of Second Lieut. John Anderson, acting assistant quartermaster, relating to the operations of a detachment under his command in protecting revenue officers in the execution of the revenue laws in a portion of the State of South Carolina.

Very respectfully, your obedient servant,

GEO. W. McCRARY,
Secretary of War.

The Hon. SECRETARY OF THE TREASURY.

OFFICE ACTING ASSISTANT QUARTERMASTER,
Greenville, S. C., July 1, 1877.

GENERAL: I have the honor to submit the following report of the operations of the quartermaster's department under my direction during the fiscal year ending June 30, 1877.

* * * * * * *

I left this post March 28, in compliance with post orders No. 23, dated Greenville, S. C., March 28, 1877, in command of a detachment of enlisted men, to protect internal-revenue officers in the execution of the revenue laws; returned to the post March 29; distance marched 50 miles.

I left this post May 10, in compliance with post orders No. 45, dated Post of Greenville, S. C., May 10, 1877, in command of a detachment of enlisted men, to protect internal-revenue officers in the execution of the revenue laws. Returned to the post May 12; distance marched 120 miles. * * *

This post was first established in July, 1875, by Company K, Eighteenth Infantry, to furnish means of protection for United States internal-revenue officers engaged in the execution of the revenue laws in the northern part, the mountainous portion, of the State. About 90 per cent. of the adult male population are engaged in the manufacture and sale of corn whisky, paying no tax and wholly ignoring the United States laws. The civil officers have been powerless to suppress this business, and in nearly every case when they have gone to the mountain regions in the execution of their duties without the protection of troops they have met with resistance, and during the past year many of them have lost their lives in attempting to execute the United States laws.

These people are ignorant, poor, and reckless, and have been led to believe that the United States laws are oppressive and that it is proper for them to evade or even to resist them.

Since the location of troops here, at least 125 illicit distilleries have been broken up, most of them starting again. It is estimated at the present time that several hundred are still in operation in the northern part of South Carolina, their vitaliy being as remarkable as the fabulous Phœnix, a new one springing up from the ashes of each one destroyed.

Respectfully submitted.

JOHN ANDERSON,
Second Lieutenant Eighteenth Infantry, A. A. Q. M.

QUARTERMASTER-GENERAL, U. S. A.,
Washington, D. C.

TREASURY DEPARTMENT,
OFFICE OF INTERNAL REVENUE,
Washington, August 21, 1877.

SIR: Your valued favor of the 15th instant, making inquiry as to the probability of the return of troops to Greenville, is received.

In reply I have to state that it is quite uncertain when the soldiers formerly stationed there will be returned. My wish is to enforce the internal-revenue laws without the use of troops by the appointment of a sufficient force of deputy collectors to overawe opposition. With this plan in view, I some time ago ordered the sale of the horses purchased for mounting soldiers. I am satisfied that with a good strong force of deputy collectors you will be able to suppress the illicit manufacture and sale of spirits and tobacco, and avoid provoking the great outcry against the use of soldiers.

Very respectfully,

GREEN B. RAUM,
Commissioner.

E. M. BRAYTON, Esq.,
Collector Internal Revenue, Columbia, S. C.

UNITED STATES INTERNAL REVENUE,
DEPUTY COLLECTOR'S OFFICE, DISTRICT SOUTH CAROLINA,
Greenville, August 23, 1877.

DEAR SIR: I have the honor to make the following report concerning the raid which was made on the 20th and 24th of this month, and for which I made a short report to you on the night of the 21st, after my arrival at Greenville. As you were in

Greenville when the raid was agreed upon and saw us depart, it is not necessary for me to report anything except what we accomplished and what happened to us after we left Greenville.

After I left you in Greenville, which was about 6.30 p. m. on Monday, the 20th instant, I met the rest of the party at the place agreed upon, about four miles north of Greenville Court House, on the Rutherford road, where it crosses the Atlanta and Charlotte Air Line Railroad, and we proceeded on our way.

Our party consisted of Special Deputy Collector W. L. Springs, James O. Ladd, James A. Beattie, William Kennedy, George E. Osborne, Deputy Marshals Calvin Robertson and Joshua Pruitt, Revenue Agent Amos E. Frye, and myself—nine men.

We reached the foot of "Hogback Mountain" about one o'clock Tuesday morning, the 21st. There we dismounted and searched for a distillery, which we failed to find. As we wished to reach a certain place in the mountain where we had positive information that three or four illicit distilleries were in operation, we mounted and moved forward. We rode over the top of "Hogback," down through a narrow pass, and entered a little valley or ravine, when we found an 80-gallon copper still, cap, and worm, all set up and in operation, with 16 stands of apple pomace and 20 gallons of apple brandy. As soon as we commenced to destroy this distillery, several women, who had seen us moving toward the distillery, gave a peculiar shout of warning, which seemed to arouse the whole neighborhood, and just as we were through destroying the property we were fired upon by some one who was concealed among the rocks and trees in the mountain side.

As soon as we could all get together we left this place, and rode about four miles to the house of Levi Ward, where we stopped to feed our horses and get breakfast for ourselves. While we were eating breakfast, Berry Gosnell and Rufus Gosnell came up and commenced to curse and to threaten us. These men are said to be the owners, or owners in part, of the distillery we had just destroyed. The marshals, having warrants for them, immediately attempted to arrest them, and succeeded in arresting Berry Gosnell, who is the father of Rufus Gosnell. Rufus Gosnell managed to escape by running in the woods. After breakfast we set out on the lands of W. D. Howard, taking Berry Gosnell with us. We had not proceeded more than one-fourth of a mile when Rufus Gosnell fired upon us and ran away through the woods. We pursued him and tried to arrest him, but were not able to catch him. Just before Rufus Gosnell went over a hill out of sight, he turned and told us that we would "*all catch hell*" before we got away from there. Before reaching W. D. Howard's place we discovered from four to six men in the woods, armed with guns, who seemed to be watching our movements. As we approached them they moved off into the woods and in the direction of the stills we were intending to destroy. After seeing these men, our prisoner seemed disposed to give us considerable trouble. He commenced to struggle to get away from us, and we were obliged to handcuff him and tie him in the saddle. In this way we brought him off, but after getting away from the mountains and reaching the open country we removed the handcuffs, and allowed him to walk or ride to suit his pleasure. We brought him to Greenville and lodged him in jail. We were absent from Greenville on this raid about twenty-four hours, and traveled from sixty to sixty-five miles.

From what I saw while on this raid I am convinced that if we had attempted to carry out our original plan we would have been compelled to fight in self-defense, and that blood would have been shed. The distilleries on the Howard Place, I am informed, are owned and operated by men who are all old violators of the revenue laws, and have formed a league and have sworn to protect each other in the illicit distillation and sale of spirits. I am also informed that they are determined to punish all persons who may inform against them, and to resist with force of arms all revenue officers that interfere with them in their illicit business.

Very respectfully,

H. H. JILLSON,
Deputy Collector.

Hon. E. M. BRAYTON,
Collector, District South Carolina, Columbia.

TREASURY DEPARTMENT,
OFFICE OF INTERNAL REVENUE,
Washington, September 18, 1877.

SIR: I have duly considered your letter of a recent date in regard to the resistance you have met with in your efforts to enforce the laws against the illicit distillers, and have to inform you that an arrangement has been made by which I am able to furnish you fifteen breech-loading carbines, with suitable ammunition, for the use of your officers.

I also wish to state that if you find it necessary to increase your force I will authorize you to employ five additional deputies to aid in the suppression of the illicit manufacture and sale of spirits and tobacco.

If you desire the guns advise me at once, stating the point to which you wish them shipped. If you need additional deputies, make application in due form for them and your request shall receive early consideration.

Very respectfully,

GREEN B. RAUM,
Commissioner.

E. M. BRAYTON, Esq.,
Collector Internal Revenue, Columbia, S. C.

UNITED STATES INTERNAL REVENUE,
COLLECTOR'S OFFICE, DISTRICT SOUTH CAROLINA,
Columbia, September 20, 1877.

SIR: On the return of the force toward Greenville, S. C., they found six distillery sheds, from which the illicit stills had recently been removed. Information of the movements of the raiders was evidently possessed by the illicit distillers. While the horses were being watered at a stream the men were fired upon from a distant cliff and one of the horses wounded.

Very respectfully,

E. M. BRAYTON, *Collector.*

Hon. GREEN B. RAUM,
Commissioner, Washington, D. C.

UNITED STATES INTERNAL REVENUE,
DEPUTY COLLECTOR'S OFFICE, DISTRICT SOUTH CAROLINA,
Spartanburg, December 28, 1877.

SIR: On yesterday Messrs. Moose, Keane, and Cummings, special deputy collectors, and William Durham, a special deputy marshal, took a wagon and went on a tour of inspection through Union County, from this place, and to-day, at the residence of Jasper Gibbs, esq., a trial justice, they came upon a tobacco wagon and found eight boxes of tobacco, with the stamps imperfectly affixed and unvarnished. The stamps could have been easily removed. They seized the wagon, one horse, one mule, and eight boxes of tobacco.

Deputy Keane went to the residence of Dr. Norman, and found the peddler, whose name is G. G. Hill, from Hickory, Catawba County, Sixth District North Carolina. He had a certificate, &c., as second-class peddler. Keane showed his commission to Hill. Hill was arrested and upon his person were found two 40 and one 3 pound stamp and a caution notice. They also arrested the driver (a negro).

Before they gained possession of the stamps an attempt was made by several persons, namely, Jasper Gibbs, William Smith, and another person whose name is believed to be Smith also, assisted by the two prisoners, to effect the release of the latter, and the concealment of the stamps. The peddler handed an envelope, addressed to his wife at Hickory, N. C., to one of the opposing party, who handed it to Gibbs, and Gibbs attempted to conceal it; the party of revenue officers took it from Gibbs and found the stamps in the envelope, which was found to have been opened, and contained a piece of blank paper, besides the stamps and caution notice.

The party of officers then succeeded in handcuffing the prisoners, and returned towards Spartanburg. When they had proceeded about four miles, and were at West's Store, they came suddenly upon a rifle company who were armed with Winchesters and pistols, and were partly mounted. There were about 200 men in the company, and about 25 of them were uniformed. They shouted, "Release him! release him!" and surrounded the United States officers and their property, and a long wrangle ensued in which the officers endeavored to retain their prisoners and captured property, but were compelled by threats, cursing, and various demonstrations, to remove the handcuffs and release prisoners, property, and stamps. Jasper Gibbs, a trial justice, and B. A. Gregory, his constable, and the captain of the company seemed to be the principal persons in authority, and they demanded the release and restoration of prisoners and property.

Gregory, by direction of Gibbs, searched the wagon of the revenue officers for whisky, and threatened to send them to Union jail. No whisky was found in the wagon. The whole difficulty lasted about two hours, and after the revenue officers were re-

leased they were followed by a crowd who were shooting off their weapons. It was only by the total surrender of the revenue officers that bloodshed was averted.

This is the second case of resistance and recapture reported from this office. If the laws of the United States are to be enforced at all, this is certainly a proper occasion. If local civil and military officers are allowed to lead a mob and defeat the enforcement of the laws, it ought to be understood.

There is not a force here sufficient to effect the arrest of the persons concerned in this outrage, and it is respectfully suggested that measures be taken to muster a force for the purpose. The offenders are persons of means and influence, and I have no doubt will make a determined resistance to arrest, backed as they are by a community hostile to the revenue laws of the United States.

Respectfully, your obedient servant,

G. P. KIRKLAND,
Deputy Collector.

E. M. BRAYTON, Esq.,
Collector, District South Carolina, Columbia, S. C.

UNITED STATES INTERNAL REVENUE,
COLLECTOR'S OFFICE, DISTRICT OF SOUTH CAROLINA,
Columbia, December 29, 1877.

SIR: I have the honor to transmit herewith copy of report just received from Deputy Collector G. P. Kirkland, detailing the facts connected with the arrest in Union County, in this State, on the 28th instant, of a fraudulent tobacco peddler and driver, and the seizure of the team, containing eight boxes of unlawfully stamped tobacco; as well as the subsequent rescue of the prisoners and recapture of the team by an armed crowd.

These startling facts reveal a condition of things much to be deplored, while the inevitable pondering "over what can be done about it" manifests the hostility to the enforcement of the revenue laws which is broadcast in portions of this State, and illustrates the supposed impotency of the courts to suppress lawlessness, punish wrong doing, and uphold officers of the law in the discharge of their duty; for when crimes of this sort are quickly and adequately punished, they are slow to occur.

There can be no decent justification for this offense. The prisoners rescued were not even citizens of the State, and must have been comparatively if not total strangers to the men who forcibly liberated them. I can imagine no motive to prompt this high-handed lawlessness, except the common sympathy felt for defrauders of the revenue laws and hostility to the officers seeking to enforce them.

I have forwarded a copy of Deputy Collector Kirkland's report to United States Marshal R. M. Wallace, esq., and also one to Lucius Northrup, esq., the district attorney, asking their co-operation in effecting the arrest and securing the conviction of all the parties implicated in this outrage.

In this connection, it is proper for me also to report that on the 2d of November last Thomas Bryson and Joseph Hunter were arrested and their team seized in the town of Woodruff, Spartanburg County, on the charge of the fraudulent removal of illicit whisky. A crowd was at once gathered, and forcibly recaptured the team and released the prisoners.

I desire also to acquaint the department with the fact that two colored witnesses who recently testified before a United States commissioner in Spartanburg, S. C., in a case charging a violation of the revenue laws, were arrested by a State trial justice upon a charge of perjury in their testimony before the United States commissioner and committed to jail.

These facts, in part, explain the difficulties in the way of suppressing the frauds perpetrated against the revenue laws in this district, and which were more fully set forth in my letter of this date upon the subject.

Very respectfully,

E. M. BRAYTON, *Collector.*

Hon. GREEN B. RAUM,
Commissioner, Washington, D. C.

TREASURY DEPARTMENT,
OFFICE OF INTERNAL REVENUE,
Washington, January 3, 1878.

SIR: Your letters of the 29th and 31st ultimo, inclosing the report of Deputy Collector Kirkland, has been received and duly considered. I fully appreciate the con-

dition of things in your district and the difficulties you have to encounter in enforcing the laws. I am fully determined that the illicit manufacture and sale of spirits and tobacco shall be suppressed. To that end I am prepared to authorize the employment of 25, or even 50, deputy collectors, if necessary, to secure that end. I have directed Major Wagner, revenue agent, to visit you and confer fully with you in regard to deciding upon an elaborate plan of operations in your district and neighboring districts, with a view of effectually extirpating these frauds. Please go over the whole subject with him and report fully what your plans are, and the necessary force that will be required. I have suggested to Major Wagner that, if it is deemed advisable, he can be appointed a disbursing agent of the fraud-fund, so as to have funds at hand to carry on the operations.

My idea is that you should have a good strong force of regular deputies and, supplement that force by men employed and paid from the fraud-fund, who shall serve for the few days that are required for a single raid. In the appointment and employment of men, great care should be taken in selecting honest, sober, discreet men, who will not be guilty of excesses, whereby they become law-breakers themselves.

I note the suggestion you make that you would be glad to be relieved from this duty. You understand, of course, that the law imposes the duty upon collectors of collecting the revenues and suppressing frauds. Consequently there is no way this business can be attended to except through your office. It will suit my views, however, for you to appoint Revenue Agent Wagner as deputy in charge of the force to operate against illicit distillers.

Very respectfully,

GREEN B. RAUM,
Commissioner.

E. M. BRAYTON, Esq.,
Collector, Columbia, S. C.

[Telegram.]

SPARTANBURG, S. C., *January* 8, 1878.

HON. GREEN B. RAUM,
Commissioner Internal Revenue, Washington, D. C.:

Warrants have been issued and served on five of the principal parties implicated in the forcible rescue of United States prisoners and property seized for violation of law by a militia company in Union County, and a hearing is set before United States Commissioner Poinier at this place to-day. They refused to be arrested, but finally agreed to come in to-day.

JACOB WAGNER,
Revenue Agent.

UNITED STATES INTERNAL REVENUE,
Spartanburgh, S. C., January 12, 1878.

SIR: As telegraphed you to-day, the four principals in the recent outrage perpetrated on Federal officers in Union County were bound over to appear before the United States district court at Greenville, in August next, by Commissioner Poinier, in the sum of $500 each. Their names are: Eliphalet F. Smith, captain; Jasper Gibbs, trial justice; B. A. Gregory, constable; and Asa Smith. The parties waived an examination, but I requested the commissioner to hear the testimony of the witnesses for the prosecution, a copy of which was taken and certified, so as to be in shape for presentation to his excellency Governor Hampton, as a basis for his promised action in the cases of the militia company, the trial justice, and the constable.

The evidence sustains the report made of the matter by Deputy Collector Kirkland, and the account generally given in the local and State papers which I inclose, showing that the officers were acting legitimately aud properly, and that the rescue was unlawful and unjustifiable.

I would state that neither the district attorney nor the marshal has been present during the proceedings.

Very respectfully,

JACOB WAGNER,
Revenue Agent.

HON. GREEN B. RAUM,
Commissioner Internal Revenue, Washington, D. C.

TREASURY DEPARTMENT,
OFFICE OF INTERNAL REVENUE,
Washington, January 21, 1878.

SIR: I have before me the Charlotte (N. C.) Observer of the 12th instant, which contains an article headed "State assistance for revenue officials." This article quotes a Washington dispatch, published in the Charleston Journal of Commerce, stating "that the Commissioner of Internal Revenue has decided to re-enforce the revenue officials in North Carolina, South Carolina, and Georgia to the extent necessary to enforce the laws and protect the officials in the performance of their duties," and that, in his opinion, "it is not necessary to employ United States troops for this purpose; that there are enough of patriotic citizens in these States ready to assist in the enforcement of the law; besides, he feels confident that the State governments will assist in protecting the officers of the general government in the discharge of their proper duties."

This article goes on to discuss the reasons why great numbers of persons violated the law and others were in sympathy with them, and adds that "ignorant, drunken, and brutal officers have ridden booted and spurred over whole communities, and by their insolence and oppressions have made the people despise not only them, but the laws and the government which they represent."

My earnest desire is that collectors of internal revenue shall appoint to office as their subordinates men of intelligence, honesty, fidelity, experience, and sobriety, so that the laws can be enforced not only with vigor, but with moderation and discretion. If there now exists any just ground of complaint in respect to any of the officers of your district, I wish you, without hesitation or delay, to remove them, and appoint in their stead persons who will fill the full measure of the standard above established.

It is the experience of mankind the world over that laws are properly enforced in proportion to the moral support given the officers of the law in the community where they are called upon to perform their duties, and that it is of the first importance to enlist the sympathy and support of well-meaning citizens in the enforcement of the laws. This is what I have striven for in your State and in other Southern States where extensive frauds have been perpetrated against the revenues of the government, and it is by these rules I wish collectors to be governed.

The laws of the United States are paramount throughout the whole country, including the State of South Carolina, and the officers of the United States should enforce those laws at all times and in all places with vigor and determination, and yet with discretion and moderation. The assistance of State officers, as such, in the enforcement of the laws of the United States is not contemplated or provided for; as *citizens* of the United States their assistance can properly be invoked, and, when necessary, their services compensated for.

Very respectfully,

GREEN B. RAUM,
Commissioner.

E. M. BRAYTON, Esq.,
Collector, Columbia, S. C.

UNITED STATES INTERNAL REVENUE,
COLLECTOR'S OFFICE, DISTRICT OF SOUTH CAROLINA,
Columbia, January 29, 1878.

SIR: I have the honor to report that reliable information has been received at this office to the effect that Mr. W. J. C. Roberts, a merchant at Whitaker's Station, in Spartanburgh County, South Carolina, was raided upon by a crowd on account of a suspicion that he was the informer in the recent destruction of the illicit distillery of Peter Mabry by a force of special deputy collectors on the 25th instant and duly reported on the 26th instant. His store was broken open and his stock of goods either stolen or destroyed; his life was threatened, and the interposition of Special Deputy Collector T. A. Davis and some friends alone prevented the execution of the threat. Mr. Roberts was compelled to flee from his home to save his life, and is now refugeeing at Spartanburgh.

The outrage is the more aggravated from the fact that he is not the informer.

Very respectfully,

E. M. BRAYTON, *Collector.*

Hon. G. B. RAUM,
Commissioner, Washington, D. C.

UNITED STATES INTERNAL REVENUE,
COLLECTOR'S OFFICE, DISTRICT OF SOUTH CAROLINA,
Columbia, March 2, 1878.

SIR: I have the honor to report that Special Deputies Captain Hoffman, Kile, Cummings, Andrews, and Keane, accompanied by Deputy Marshal William Springs and

Samuel Pitman and Thomas Briar as supports, and ——— as guide, left Greenville at 4 p. m. on the 26th February on a raid for illict stills to "Hogback Mountain." Shortly after midnight they reached the premises of Wash. Fisher, where were found an 80-gallon still, cap, and worm, with 40 gallons of backings, which were destroyed. The owner could not be found, but the still was warm from recent use.

The force then proceeded to the southwest along the foot of the mountain in search for the Bridgman brothers' still-house. When found, the still had been removed, but upon the premises were found and destroyed the worm, 12 stands of mash, and 20 gallons of backings.

This work was barely completed when the distiller's signal for alarm was heard. The force withdrew, and upon reaching the Vaughn's Creek bridge, which the men had crossed a few hours before, found that it had been so tampered with as to become a trap for their destruction. After repairing it so as to become passable, they crossed. They had scarcely gotten over when they were fired upon from a thicket on a hill at the right. The men dismounted and charged up the hill, when the assassins fled. Fortunately none of the force was wounded. Remounting, the force moved on. About half a mile distant they passed several mountaineers, apparently innocent and unconcerned, who were probably the persons who had fired upon the force.

Not long after, when the force had halted to feed the horses, signals were again heard. Fearing that the distillers were gathering in some hidden retreat from which they would ambush the force, the guide struck a cow-path, which brought them in safety out of the dangerous country.

It is a matter of wonder and congratulation that more serious results have not attended the operations against the desperate and abandoned distillers.

Very respectfully,

E. M. BRAYTON, *Collector.*

Hon. GREEN B. RAUM,
Commissioner, Washington, D. C..

[Telegram.]

TREASURY DEPARTMENT,
OFFICE OF INTERNAL REVENUE,
March 12, 1878.

E. M. BRAYTON,
Collector, Columbia, S. C.:

You are authorized to employ 100 men, if necessary, to aid as a posse in enforcing the laws and making arrests. Call upon the marshals and deputy marshals to act at once. Leave nothing undone to vindicate the majesty of the law.

Telegraph your action to-morrow.

GREEN B. RAUM,
Commissioner

[Telegram.]

TREASURY DEPARTMENT,
OFFICE OF INTERNAL REVENUE,
Washington, March 13, 1878.

E. M. BRAYTON,
Collector Internal Revenue, Columbia, S. C.:

Organize force strong enough to enforce the laws and capture the offenders. Employ only courageous and reliable men; pay them adequately for their services and all expenses. Put the most reliable deputy in charge and move against the outlaws. Do not fail to use all necessary means to overcome resistance. Arrest Redmond, or whoever is ringleader, at any cost. Offer of reward for Redmond's arrest is yet in force. All your expenditures will be promptly paid. If the mob retreat toward North Carolina, telegraph Collector Mott to organize his force to co-operate with you, indicating the locality where it should operate. I will sustain you with all the power at my command. Act promptly and vigorously.

GREEN B. RAUM,
Commissioner.

UNITED STATES INTERNAL REVENUE,
COLLECTOR'S OFFICE, DISTRICT OF SOUTH CAROLINA,
Liberty, March 13, 1878.

SIR: I have the honor to report that the special force, accompanied by Deputy Marshals William Springs and William Gary, left Pickens Court House on the 11th instant on a raid to the Kerns River, on information obtained by Mr. Jillson. We found the still-house, but no work had evidently been done there for several weeks. About 8 a. m. on the 12th Gary took us to the still-house owned by Neal & Moore, where we cut up 11 stands of mash and beer, 20 gallons of backings. The still had been pulled out. We also arrested S. A. Stammett and Samuel Neal, and both gave bonds for a preliminary examination to take place at Pickens—to take place next Saturday.

We returned to Pickens about 3 p. m. yesterday and found that Redmond, with a gang estimated at from 30 to 40 men, had been to our quarters about 9 a. m. in search of us and had taken two overcoats belonging to Springs and Cummings. He also threatened Mr. H. B. Hendricks with death if he continued to lodge and board us, and in answer to the prayers and tears of his wife we left there and rode into town, where I ascertained that the same threats of death had been made to everybody by Redmond. I also learned that his band had divided, and that one party took up our trail, while the other took the road we were expected in on. Why this latter party failed to meet us I can't say; perhaps they were not anxious. We waited in the streets of Pickens until 7 p. m. and were fortunate enough to obtain something to eat and food for our horses through the intercession of Mr. Thornley. Being unable to obtain shelter I concluded, after a consultation with the men, to fall back nine miles to Easley. We arrived here about 9 p. m. and found Mr. Jillson and ten men on their way to our assistance; as no aid was needed they returned to Greenville on the midnight train. Mr. Thornley had telegraphed for assistance, and it was probably fortunate we met them here as we might have fired on them on the road.

Redmond also visited Bill Gary's house at Liberty yesterday morning and searched for him and frightened his family.

This is a high-handed business, but it confirms the information I had received that there was a regularly organized force in the mountains, banded to violate the revenue laws and to fight revenue officers.

I am, sir, very respectfully, your obedient servant,

E. G. HOFFMAN,
Special Deputy Collector.

Hon. E. M. BRAYTON,
Collector of Internal Revenue.

TREASURY DEPARTMENT,
OFFICE OF INTERNAL REVENUE,
March 16, 1878.

SIR: You are directed to increase the offer of reward for the arrest of Lewis Redmond, and his delivery to the United States marshal, to $300; and I request that you cause to be printed large posters, setting forth this offer, and giving full description of him, and have the same conspicuously posted in those parts of your State and North Carolina which he most frequents. I regard it as extremely important that this outlaw be captured; and in this connection I have to say that Colonel Douglas, United State marshal for the western district of North Carolina, called at this office yesterday and said to me that he would deputize any of your officers, whom you might suggest, for the purpose of making arrests of any criminals who escape into North Carolina. If you think this necessary inform me by telegraph, giving the names, and Colonel Douglas, who is here, will send the necessary authority.

Respectfully,

GREEN B. RAUM,
Commissioner.

E. M. BRAYTON, Esq.,
Collector of Internal Revenue, Columbia, S. C.

UNITED STATES INTERNAL REVENUE,
COLLECTOR'S OFFICE, DISTRICT OF SOUTH CAROLINA,
Columbia, S. C., March 17, 1878.

SIR: When I reached Easley I found the following state of facts: On the night of 9th instant, between nine and ten o'clock, a body of men numbering about fifteen, supposed to be headed by the notorious outlaw, Redmond, appeared at the jail and called for the sheriff (who is also jailer). Upon opening the door three men confronted him, and, with a gun at his breast, and threats of violence, demanded the keys of

the jail. After a little parley the keys were given up, and three of the gang (who, though not disguised, were unknown to the sheriff) proceeded to release three United States prisoners. These prisoners had been arrested by Captain Hoffman's force of special deputy collectors who had been operating in that section. United States Commissioner Thornly, as soon as he learned of the rescue, dispatched his son to Captain Hoffman's force, a half mile distant. The special deputies at once proceeded to jail and offered their services as a posse to the sheriff, but he was unwilling to pursue the jail-breakers. The specials remained in that neighborhood until Monday, the 11th instant, when they started on another raid. On Tuesday morning, the 12th instant, Redmond, with fourteen men, arrived at Pickens Court-House, stopped at one of the stores and made purchases, and then went to the house of Mr. B. B. Hendrix, at whose place the specials had staid. He threatened Mr. Hendrix with violence for having entertained the officers, and ordered him not to do so again. Searching the house he took everything, including some overcoats which he thought belonged to the officers. The brigands then started off for Liberty, a few miles distant, and visited the house of Deputy Marshal William Gary, who was acting with the officers in the capacity of guide and informer, for the purpose of lynching him. The house was searched and his wife terrified, but Mr. Gary being absent with the revenue officers, they started in pursuit.

Redmond had another force, variously estimated at from twenty to thirty men, who were awaiting the force upon another road.

Upon the return of the officers, Tuesday afternoon, from the raid, they found that Mr. Hendrix, with whom they had been stopping, was so alarmed at Redmond's threats that they were unwilling to embarrass him by staying there. Consequently, they moved on to Easley, nine miles distant. It was at this place that I joined them with the additional men. On Friday morning I proceeded with the force back to Pickens Court-House, where we found Mr. Hendrix willing to hire his barn for their use. Not only had he gained courage from the changed condition of things, but there was a marked difference in the conduct and friendliness of the other citizens. The people had been terrorized by Redmond; but the belief that the government was in earnest in either capturing or driving him from the State, with the credit attached to Governor Hampton's action, and a fear that these outrages would develop into other excesses, produced a perceptible change of feeling and conduct.

Complaints were general at the inefficiency of the sheriff. This feeling had become intensified at the escape on Thursday of two more United States prisoners who were serving out their sentences. I don't think there was any collusion of the sheriff in the escape, but he certainly was grossly negligent.

The circuit court meets at Pickens Court-House to-morrow, and it is expected that the judge will be instrumental in awakening attention and putting agencies in operation which will be of great service to the government in suppressing lawlessness and bringing offenders to punishment. I am gratified to state that Governor Hampton seems to be exercised at this outrage. Besides offering a reward for Redmond, he sent, at my request, telegraphic instructions to the sheriff to co-operate with the revenue officers. Another gratifying sign is the recent presentment of a grand jury in the adjoining county of Oconee, in which the illicit manufacture and traffic in spirits is presented as a nuisance. I feel warranted in the hope that a better public sentiment is growing up. If the time should come when public opinion favors the effort of the government to enforce the revenue laws, the violations will soon be eradicated.

One of the worst features in this affair was the discovery that Redmond's force had been supplied with arms belonging to a militia company in Pickens County. I shall bring this matter to the attention of the State authorities.

After Redmond's gang left the house of Mr. Gary, they visited that of Aaron Thomas, another man who had sometimes served the revenue officers, seized and proceeded to lynch him. But his pleading and promises in future to abstain from assistance saved his life. It is reported that Charles Austin, who also had acted as revenue guide, has been recently killed by Redmond. I left the force at Pickens Court-House on Friday evening just as they were preparing for a raid into Redmond's section. At Easley I telegraphed Collector Mott to meet me at Charlotte. Getting no response I concluded to return to Columbia where my presence was needed. I stopped at Greenville and had printed some reward hand-bills, which will be distributed in the mountains. It is possible that the greed of some of Redmond's clan may induce them to betray him.

I am not sanguine of Redmond's capture. I fear he will either flee temporarily from the State, or hide in the mountains out of the reach of the officers. Many think that he will risk a personal conflict with the officers, but I do not apprehend there is much danger of such a collision. The difficulties which have to be overcome to capture him are almost insuperable. He has an unlimited country to range in.

Very respectfully,

E. M. BRAYTON, *Collector.*

Hon. GREEN B. RAUM,
Commissioner, Washington, D. C.

UNITED STATES INTERNAL REVENUE COLLECTOR'S OFFICE,
DISTRICT OF SOUTH CAROLINA,
Columbia, March 30, 1878.

SIR: I have the honor to report that, on the 22d instant, the special force under the command of Deputy Collector G. P. Kirkland and Special Deputy Collector E. G. Hoffman left Walhalla, with ——— as guide, for a raid on illicit distilleries.

At a point about 16 miles from Walhalla they came upon a still-house with a still of 90 gallons' capacity in full operation, in charge of a party of four men, who were well-armed with guns and pistols, and serious resistance would have been met with had not the party been taken completely by surprise. Deputy Collector Kirkland, with five of the force, made a quick descent upon the place and captured the men with their arms.

The prisoners were left in charge of a guard of deputy marshals, and the force proceeded to Bryce's still, about five miles. Here they found a 120-gallon still, which showed signs of quite recent use; 11 stands of beer, estimated at about 1,700 gallons, and 30 gallons of singlings. The still-house, still, beer, and singlings were destroyed.

While the force was absent at Bryce's still-house W. K. Bryce, who had been captured at the Butts still-house, escaped from the guard. The other prisoners were brought to Walhalla and lodged in jail.

Respectfully,

E. M. BRAYTON, *Collector.*

Hon. GREEN B. RAUM,
Commissioner of Internal Revenue, Washington, D. C.

[Telegram.]

TREASURY DEPARTMENT,
OFFICE OF INTERNAL REVENUE,
Washington, March 18, 1878.

E. M. BRAYTON,
Collector, Columbia, S. C.:

I am gratified at your success in Pickens County, and am glad to know that the citizens and State officers assisted in the arrests of the jail-breakers. What I earnestly desire is the sympathy and aid of the citizens of your district in the enforcement of the law.

Now that you have your force organized, I think it will be well to police other counties that are infested with illicit distillers. Two weeks spent in this way would certainly have a beneficial effect throughout the State. You are authorized to incur the expense.

GREEN B. RAUM,
Commissioner.

TREASURY DEPARTMENT,
OFFICE INTERNAL REVENUE,
March 29, 1878.

SIR: I am in receipt of your letter of the 25th instant, with the article clipped from the News and Courier of the 25th instant, entitled "The strong arm of the law," embodying a letter of Judge Mackey to Governor Hampton, bearing date the 21st instant, giving a detailed account of the manner in which Lewis R. Redmond was indicted for larceny, and a posse under the sheriff and a company of home guards, under Captain Griffin, were put upon his track.

I also note the observations of Judge Mackey, in regard to alleged misconduct of internal revenue officers, and his statement that he was satisfied from information furnished, that both law and justice had been outraged in the persons of those prisoners (alluding to the persons who had been released by Redmond), and also his observation to the effect that the grand jury under his instructions were engaged in the investigation of outrages alleged to have been committed by United States revenue officers and deputy marshals on the persons and property of peaceable and law-abiding citizens, who were subsequently proved by judicial investigation to have been chargeable with no offense against the laws of the United States.

I also note your statement in regard to the case of Charles Jenkins and Pink Littlejohn, witnesses indicted for perjury in the State courts, for testimony before a United States commissioner in a case against Lancaster, for violation of the internal revenue laws in Spartanburg County, and your suggestion that some provision be made for payment for services in the defense of persons arrested under State laws. This point I propose to discuss with the Secretary of the Treasury, and the Honorable At-

torney-General, and see what can be done. I earnestly desire to avoid a conflict with the State authorities; I have counseled the collector to appoint none but capable and discreet persons to office, and to require them to administer the law with firmness and prudence, and to keep within the provisions of the law themselves; and it is a remarkable fact that at this time there is no State in the Union, except South Carolina, where the internal-revenue laws are not enforced without the constant and harassing annoyance of a resort to State laws for prosecuting the officers of the United States.

I desire that you shall report fully the particulars in the case of Charles Jenkins and Pink Littlejohn, and also the facts in regard to the case of the three men who were released from Pickens County jail by Redmond.

Very respectfully,

GREEN B. RAUM,
Commissioner.

Hon. L. C. NORTHROP,
United States Attorney, Charleston, S. C.

UNITED STATES INTERNAL REVENUE,
COLLECTOR'S OFFICE, DISTRICT OF SOUTH CAROLINA,
Columbia, April 4, 1878.

SIR: I have the honor to report the operations of the special force under the command of Deputy Collector Jillson, consisting of United States Deputy Marshals Rufus Springs and J. B. Dill, supported by D. H. Pitman, W. T. Blackwell, John L. Davis, W. E. Alford, Harrison White, Thomas Brier, and the guide, ———.

The force left Greenville at 2 p. m. on the 29th ultimo, and returned there at nine o'clock p. m. on the 30th, having traveled some 70 miles. They proceeded to Panther Mountain, destroyed copper still, cap, and worm—40 gallons capacity—and 15 stands mash and beer, belonging to David Howard. When they came upon this still-place there were three persons under the shelter which covered the still. Two of them made their escape; but a boy, Larkin Howard, son of David Howard, was captured within three feet of the boiling still. The two men that escaped were recognized as David Howard and Andrew Howard. Larkin Howard was taken to Greenville, and will be examined by United States Commissioner Blythe.

They next arrested Wade Levi, at his house, on a warrant from United States Commissioner Blythe, for distilling illicitly. They also arrested Alson Barton, at his house, on a warrant from Commissioner Blythe, for illicitly distilling. They then destroyed a 50-gallon copper still, some empty stands, and a lot of corn malt, supposed to belong to Alson Barton. This still was set up and was full of warm water, with a little fire in the furnace, indicating that it was intended to "mash in" the next day.

Just before daybreak the party went to the house of "Bud" Haregrove, a person who has been reported for "stilling" several times, and for whose still-house two raids have already been made. "Bud" was not at home, and they then went to his mother's house; did not find him there; men were left to guard the two houses, and the balance of the force went in search of Haregrove's still, and after two hours searching came upon a still-place near the top of Panther Mountain, supposed to belong to Haregrove, destroying 9 stands mash and beer. Deputy Jillson thinks that Haregrove must have another place where he was running the still at that time.

By the time this property was destroyed men and horses were very tired and hungry, and the people were aware the force was in their midst. The force proceeding homeward passed the home of David Howard. The house is on the side of a mountain, and about 75 yards from the road. Deputy Collector Jillson says:

"When we came in sight of the house we saw him and Andrew Howard standing in the doorway, and as soon as they saw us they fled to the woods on the side of the mountain. I dismounted quickly and, with one of my men, followed them, and would have captured them but for the interference of their wives. The wife of Andrew Howard assailed me with sticks of wood, broken pots, and everything else that she could pick up and throw at me. I was obliged to pass near her, and in doing so she caught hold of my pistol and tried to wrest it from my hand. I was obliged to give this creature two or three smart raps on her knuckles before she would let go of the pistols. The wife of David Howard gave Harrison White, who was running after the men with me, as much trouble as the other woman gave me. While we were delayed the two Howards escaped, and at the same time a small son of David Howard brought from the house a long rifle (flint-lock); as he was priming it I stepped up and took it away from him. I took out the flint and gave the rifle back to him, making him promise not to shoot the rifle during the day. I don't think I ever heard so much profanity and obscene talk from any two persons in my life as I heard from these two women in fifteen minutes."

Very respectfully,

E. M. BRAYTON, *Collector.*

Hon. GREEN B. RAUM,
Commissioner Internal Revenue, Washington, D. C.

UNITED STATES INTERNAL REVENUE,
COLLECTOR'S OFFICE, DISTRICT OF SOUTH CAROLINA,
Whitaker, S. C., April 9, 1878.

SIR: I have the honor to report that the force of special deputy collectors, accompanied by Special Deputies R. Scruggs and Thomas Davis, and Deputy Marshal Charles Cummings, left Spartansburg on the 5th instant on a raid to this locality, with guides provided by Deputy Collector Kirkland.

On the 6th, about 11 p. m., we captured the still-house belonging to the notorious Jos. Hardin, and destroyed one 150-gallon still, 29 stands of mash and beer, 10 gallons of singlings, and 20 bushels of meal. The still-house and its contents were of the finest order and were fully worth $500. After this duty was performed the guide led us to Hardin's house. We found his doors locked, and every argument to induce the owner to open and surrender failed. He threatened to shoot the first man who would make an attempt to open the door, and from the general reputation of this outlaw, I am inclined to believe he would have done so. He informed me that he had 170 rounds of ammunition, and he would expend every one on my force, unless we killed him, before he would surrender. Under these circumstances I thought it best to wait for day-light. In the mean time I caused United States Commissioner Byron to issue a search-warrant, and shortly after sunrise I gave the order to assault the house from all sides, and it was so rapidly executed that Hardin was confronted by our carbines before he had a chance to raise his gun, a Winchester rifle fully loaded. We found beside him a Colt's repeating rifle, seven shots, a long-range rifle, and two single-barrel guns, all loaded and capped.

Hardin is a second Redmond in this locality; he is called the "King pigeon of York," and his arrest will do great good. He had driven off a revenue force about two weeks ago, and had openly boasted that he would kill any revenue officer who attempted to molest him, and I am of the opinion that "raiders" had given him a wide berth on that account.

I also found two packages of whisky on his premises, which, together with the prisoner, I carried to Duncan's, about one and one-half mile from Black's Station, where I found Deputy Collector Kirkland and Deputy Marshal Springs. We arrived there about 11 a. m. 7th (Sunday), and at 1 p. m., I accompanied Mr. Kirkland, who had taken charge of the prisoner, to Black's Station. Mr. Kirkland took the prisoner to Spartanburg, and the whisky was left at the station to be shipped to the same place.

During my absence Special Deputy Collector Kane, accompanied by Messrs. William Springs, R. Scruggs, Thomas Davis, and Charles Cummings, went to Cherokee Ford and destroyed 16 stands of beer and mash, 10 gallons of singlings, and 2 bushels of meal. The still-house is said to belong to Smith & Perry, whom I shall make an attempt to capture to-morrow.

I am, sir, very respectfully, your obedient servant.

E. G. HOFFMAN,
Special Deputy Collector.

Hon. E. M. BRAYTON,
Collector Internal Revenue.

UNITED STATES INTERNAL REVENUE,
COLLECTOR'S OFFICE, DISTRICT OF SOUTH CAROLINA,
Columbia, April 20, 1878.

SIR: It becomes my sad duty to report the intelligence of my dispatch of this date, announcing the assassination of Deputy Marshal Rufus Springs while engaged with a revenue force in raiding upon an illicit distillery. This raid proceeded from Greenville, under the auspices of Deputy Collector Jillson, and was conducted by men hired for the occasion. It has no connection with Captain Hoffman's force, which is 40 miles distant.

I have received no other particulars of this lamentable occurrence, except that Mr. Springs was shot from the bushes in the rear and that his body was brought into Greenville to-day.

He was an exceptionally good officer. He has never been employed by me, though his two brothers have been, and one of them, namely, William, is now with Captain Hoffman; but Rufus, the deceased, as deputy marshal, often co-operated with the revenue force and made the arrests.

Very respectfully,

E. M. BRAYTON, *Collector.*

Hon. GREEN B. RAUM,
Commissioner, Washington, D. C.

UNITED STATES INTERNAL REVENUE,
DEPUTY COLLECTOR'S OFFICE, DISTRICT OF SOUTH CAROLINA,
Walhalla, April 29, 1878.

SIR: I have the honor to report that the force of special deputies left Walhalla on the 26th, at 4 p. m. We encamped near Chapman's Ford during the night, and crossed Keowee River at 4.30 a. m., on the 27th. We reached Rocky Bottom about 10 o'clock, and learned that Redmond had been seen near his aunt's (Powell's) house the night previous. An hour later we struck his trail which led direct to the house of his mistress, Miss Ladd. On our arrival there I made an effort to surround the house, and had partly succeeded on the right, when Redmond discovered two of our men on the hill to the left of the house who had carelessly exposed themselves to view. Redmond immediately ran for a thickly-wooded ravine in the rear of the house, and though we pursued him to the best of our ability and searched for him for over three hours, he eluded us. I then decided to move back a few miles and to hide our horses, then return to the vicinity of the Ladd house on foot and lay in the wood for Redmond, but on reaching the first hill this side of Rocky Bottom proper we were fired on from an ambush. Three shots were fired before we could dismount to charge the hill. On our arrival at the spot from whence the shots came we only heard retreating footsteps in the valley below, and our pursuit proved of no avail. One of our guides was shot in the left arm above the wrist, and one of our horses was shot in the shoulder. ——— had his left thigh grazed by a shot. ———'s wound was very painful, and as it was impossible to keep him in the woods all night, I concluded to carry him to his home fifteen miles distant. Being compelled to travel slow we did not reach there until Sunday morning.

It is generally believed that unless immediate steps are taken to prevent it, Redmond or some of his friends will murder both of the guides who led us into Rocky Bottom.

Very respectfully, your obedient servant,

E. G. HOFFMAN.

E. M. BRAYTON, Esq.,
Collector, Columbia, S. C.

UNITED STATES INTERNAL REVENUE,
DEPUTY COLLECTOR'S OFFICE, DISTRICT OF SOUTH CAROLINA,
Greenville, June 10, 1878.

SIR: On the 6th instant Deputy Collector Moose, Scruggs, Durham, and myself started from this place in search of Redmond and the jail-breakers, and on the same evening reached Mrs. Barton's house, about 15 or 18 miles from Pickens C. H. We remained there that night and all day on the 7th, and on the night of the 7th we started on foot for Rocky Bottom, 15 miles distant, and reached that place about 7 a. m. on the 8th instant. We took position on a mountain, about 400 yards from the house in which Redmond is said to reside with a woman named Ladd. Our object in doing this was to watch the house and see who went in or came out. Up to one o'clock we noticed no one, except the woman who lives there, pass in or out; but at that time we heard a knock and a shrill whistle at the foot of the mountain on which we were stationed. Immediately after that we saw one of the women (known as Redmond's women) go to the fence on the east side of the house, and at the same time saw a man come to the same place; they met and the man after a short time left in direction of Pickens. After he left, and from his actions towards the woman and her child, we concluded that the man was Redmond; but apprehensive that if we pursued him he might escape, and that we might be able to capture him inside of the house, we concluded to remain quiet and give him an opportunity to return.

On the next morning we resumed our watch on the house, and at about eight or nine o'clock saw two men enter it, one from the north side, and one from the south side. The one that entered from the south side was the same person that we had seen the day before talking to the woman. Durham and Moose, who were watching that end of the house, say that the man gave the same knock and whistle that we heard the day before, and that he received a signal from the house before going there.

After they entered, and after consultation, we charged the house for the purpose of arresting the men who were there. Durham and I were in advance, he going around the south end and I around the north side of the house. I came opposite to Amos Ladd and demanded him to surrender. Simultaneously with my demand he raised his gun and snapped it at me; as he did so I pulled mine on him and he jumped from the door, having his gun in his hand. As he did so, Durham shot at him twice. My opinion is that the three shots fired took effect in the body of Ladd. During the excitement the other man attempted to escape, but was overhauled by Scruggs and brought back to the house, from where he finally escaped.

As we feared that our lives would be in danger by delaying at that place, we immediately started for Pickens C. H. to surrender to the sheriff of that county. This latter idea we abandoned after considering the imminent danger our lives would be in if we were confined in Pickens jail. We hired a horse and I rode to Easley Station and took the train for Greenville. When I reached the latter place I procured a team and went to bring in the other men, which I did, and then surrendered to Sheriff Gilreath to-day at twelve o'clock.

Very respectfully,

HUGH P. KANE,
Special Deputy Collector.

E. M. BRAYTON, Esq.,
Collector, District of South Carolina.

UNITED STATES INTERNAL REVENUE,
Greenville, S. C., June 13, 1878.

SIR: On my arrival here this morning I found that Collector Brayton and District Attorney Northrop had been here yesterday, and thoroughly investigated the cases of the officers confined in jail at this place for the killing of Amos Ladd, in Pickens County, on the 9th instant, taking such steps as were necessary for their proper defense. Their respective reports will probably be complete as to the facts given by the officers. From their account it appears that they had a proper warrant for the arrest of Ladd, and that he resisted them with rifle in hand. The killing is therefore claimed to have been in self-defense and justifiable. There were present at the time the mother, brother, and sister of Ladd, whose affidavits, taken before a trial-justice at Pickens Court-house, set forth that the officers gave Ladd no warning, but began firing on him at first sight. It is evident that an attempt is being made to set up the theory that the officers were in quest of Redmond, and mistook Ladd, who is one of his gang, for him, giving no quarter or time for identity.

The case has been very much prejudged against the officers by the State officials, and there is no justification for the feeling which has thereby been created against them. The ruffianly dispatch of the sheriff of Pickens County to the chiefs of police of Charlotte, Greenville, and other points was uncalled for, and designed to foment bitter public feeling.

The officers brought away Ladd's rifle, which they claim he used in the effort to shoot Deputy Collector Kane. They are to appear before Judge Kershaw, at Walhalla, on a writ of *habeas corpus*, next Monday, and will be attended by their able counsel, William E. Earle, esq., of Greenville.

I return to Greensborough to-morrow evening.

Very respectfully,

JACOB WAGNER,
Revenue Agent.

Hon. GREEN R. RAUM,
Commissioner Internal Revenue, Washington, D. C.

UNITED STATES INTERNAL REVENUE,
COLLECTOR'S OFFICE, DISTRICT OF SOUTH CAROLINA,
Columbia, June 29, 1878.

SIR: I have the honor to report that on the 23d instant the special force under charge of Captain Hoffman left Greenville and arrived at East York, Transylvania County, North Carolina, about midnight of the 24th, Special Deputy Loftus acting as guide.

On arriving in the vicinity of the Cassil's place of residence the force divided, a part remaining in charge of the horses, and the remainder, under charge of Captain Hoffman, surrounded the dwelling.

On entering the house they found one of the Cassils, who was subsequently identified as Ben. Cassil, but as Hoffman had no North Carolina warrant against him he was compelled, after having satisfied himself from evidence of trustworthy men that he was not in the jail raid, to release him. Marion and Hampton Cassil were hiding out and could not be found.

About daybreak they proceeded to the French Broad Valley, distant about eight miles from Cassil's, and on nearing Bryant's plantation discovered a number of men engaged in plowing in a corn-field. Feeling confident that Jim Alexander and John Reeves were among the number, the force was divided, one portion under Special Deputy Lanford going up the main road under cover of the fence, and the balance

under Hoffman making a detour so as to come in on the opposite side of the plantation in a thick undergrowth. When everything was ready both parties advanced across the field; four of the men made no attempt to escape, but the fifth man immediately started towards an adjoining hill, closely pursued by Special Deputies Lanford and Tucker. While thus pursued, the man stumbled and fell and was then secured; upon examination he proved to be John Reeves, one of the jail-breakers. About this time a woman on an adjoining mountain set up a loud cry, which was speedily taken up and repeated in every direction. After placing the prisoner in charge of Specials Loftus, Giles, Tucker, and Johnston, Hoffman started out with the balance of the men after Jim Alexander, whom he had been informed was working in a field about half a mile distant, but the signal given by the woman had already warned him and he had fled. By this time men were coming in fast from the surrounding country, and Captain Hoffman deemed it advisable to leave. They proceeded to Gillespie's farm, about eight miles distant, where they obtained food for themselves and horses. While at this point Hoffman obtained information from one B. Sisson of the location of Josh Crew's still-house; taking a portion of the force he went to the place and found eleven stands of mash and beer, and about eighty gallons of spirits, which he destroyed.

On returning to the house he found about 15 men gathered near it, and the whole valley seemed to be alive with horsemen. They said nothing offensive to the revenue force, but sauntered about watching their movements.

At about eleven o'clock the force mounted and passed through Sassafras Gap unmolested. Two of the parties who had been at Gillespie's came up with the force, when about half-way through the gap, and tried to pass them; thinking that they were going to give warning, Captain Hoffman made them fall in with his party, and detained them until we reached the foot of the mountain on the other side. About half-way through the gap they found, on information from B. Sisson, the still-house of John Morgan; it contained three stands of mash and beer, which were destroyed, but the still could not be found. On reaching the foot of the mountain the prisoner was left in charge of Special Depnties Byron, Tucker, and Springs, with instructions to proceed to Hollow Grove Meeting-House, and there wait until they were rejoined by the balance of the force which went from that point to Bold Knob Mountain in search of a distillery run by George Chapman, and if possible to arrest him, as Sisson had furnished Hoffman with information of names of parties as witnesses. After a fruitless search of about two hours, the party started for the meeting-house. On arriving at that point Hoffman found the specials above all fast asleep and the prisoner gone. This is very unfortunate, as Reeves is a brother-in-law of Redmond, and was one of the principals in the jail raid. The deputies were immediately relieved from any further duty with the force. The party reached Greenville at 10 a. m. on the morning of the 26th instant, having traveled 132 miles.

On the 27th instant Captain Hoffman received information that a cattle dealer named Griffin had been killed (under the supposition that he was a revenue officer) at East Fork shortly after the departure of Hoffman's force from that locality.

Respectfully,

E. M. BRAYTON,
Collector.

HON. GREEN B. RAUM,
Commissioner, Washington, D. C.

TREASURY DEPARTMENT,
OFFICE OF INTERNAL REVENUE,
August 2, 1878.

SIR: From an article in the News and Courier of the 31st ultimo, entitled "Rascally tricks of the revenues; the distillers in a trap," I observe that some sixty or eighty illicit distillers have come in to stations on the line of the Spartanburg and Asheville Railroad and surrendered themselves to Deputy Marshal C. W. Cummings and Deputy Collector J. T. Kirkland, who were accompanied by a United States commissioner, and that these parties confessed their guilt and gave bail for their appearance at court, and returned to their homes with an assurance that if they abstained from further violations of the law they would not be prosecuted.

The comments of the News and Courier are very severe upon the officers for their conduct, alleging that the illicit distillers will be the victims of misplaced confidence, and will be treacherously dealt with. It is needless for me to say to you that I am earnestly desirous of enforcing the laws, and that it is no gratification to me to have men punished. While violators of the law arm themselves to resist the officers in the enforcement of the law, I am unwilling to make terms with them, but when they express a determination to abandon their fraudulent practices and submit themselves to the authorities, I am ready to deal with them with the most liberal spirit, and in

doing this I am quite sure I will be fully supported by the Department of Justice and by the President.

In portions of Tennessee, Georgia, and Alabama, illicit distillers have placed themselves in an attitude that would warrant a lenient course, and it has been extended towards them, and I will be perfectly willing to pursue a similar course towards the illicit distillers of South Carolina, if they act in a manner to entitle themselves to it.

If the facts are as stated in the News and Courier, that a number of illicit distillers have surrendered themselves, you are authorized in the most public manner to announce that the government will act in the utmost good faith towards them; and if they abstain from violations of the law, and contribute to a public sentiment favorable to the enforcement of the law, they will place themselves in a position to entitle themselves to the clemency of the government, and, I have no doubt, will receive it.

Very respectfully,

GREEN B. RAUM,
Commissioner.

E. M. BRAYTON, Esq.,
Collector, Columbia, S. C.

UNITED STATES INTERNAL REVENUE,
DEPUTY COLLECTOR'S OFFICE, DISTRICT OF SOUTH CAROLINA,
Greenville, September 1, 1878.

SIR: I take the liberty of making this statement of my impressions of our last raid to Pickens County, on the morning of Friday last, August 30. Our party, consisting of Special Deputy Collectors Hoffman, Ladd, Kennedy, Carson, and myself, were at Pumpkintown, about twenty-five miles from this point. There was a primary election for county officers going on, and some two hundred men, more or less, had congregated. We were not treated in an unfriendly manner by the few with whom we conversed, but I here learned from an old man who had recently ridden sixteen miles to see Redmond, that he (Redmond) told him that he would not surrender; that he did not intend to leave the country as reported, and that should the officers of the government endeavor to arrest him he would resist to the last.

After leaving the voting place, we could distinctly hear the crowd cheering the name of Redmond, whether or no we were in hearing distance; this clearly showed us how much sympathy the government officers had and how much Redmond had. I really did not think the sentiment of the masses would be favorable to Redmond, but I fear it is so, and I feel that just so long as he remains in the country, just so long will his example prevent the general observance to the revenue laws; but offer inducements to others to defy them as he does.

Formerly when we were raiding on him we had a much stronger force than now; then, too, his immediate allies were scattered in North Carolina; now we reasonably know that all those parties are near or with him, and they have a decided advantage, in numbers as well as position. With their natural knowledge of mountain life and warfare, for us to directly raid Redmond's stronghold will result, in my opinion, in your being short of a few officers some day.

I have written you only as a matter of information, as I think is my duty, and am fully satisfied that Redmond ought to be driven off, captured, or killed, for the benefit of the general government as well as South Carolina.

I remain, very respectfully,

JNO. E. GYLES,
Special Deputy Collector.

Hon. E. M. BRAYTON,
Collector of Internal Revenue, Columbia, S. C.

UNITED STATES INTERNAL REVENUE,
DEPUTY COLLECTOR'S OFFICE, DISTRICT OF SOUTH CAROLINA,
Greenville, September 2, 1878.

SIR: I have the honor to report that the force of special deputy collectors left Greenville on the 28th ultimo at 5 p. m., and arrived at Easley at 9 a. m. We started again at 10 a. m. on the 29th, during a heavy rain, and rode 28 miles to near Pumpkintown. The primary election for Democratic nominees was in progress on our arrival, and it seemed to us that considerable whisky was drank, but we were unable to find out the source from whence it came; we were of the opinion that it was "blockade," but we obtained no evidence to prove it was such.

On August 30 the force returned to Greenville, with the exception of myself. I arrived at Pickens Court-House about 7 p. m., and found an excited crowd cheering

for Redmond. I am confident that the slightest remonstrance on my part would have brought about a collision. There was also considerable cheering for Redmond in the vicinity of Pumpkintown in the presence of the entire force.

I was advised not to visit Eastatoe, as was my intention. It was predicted by parties living in that locality that a visit from us would bring about bloodshed, and I have no doubt that under the circumstances somebody would have been hurt.

Redmond is still at his home on the Toxaway River, and I have been informed by reliable parties that he has I. Alexander, John Reeves, Joe Dogins, Bright Moore, Joseph Chapman, and Perry Hinkle with him, and that it is his intention to kill us if we come within his reach.

Very respectfully, your obedient servant,

E. G. HOFFMAN,
Special Deputy Collector.

Hon. E. M. BRAYTON, *Collector.*

TREASURY DEPARTMENT,
OFFICE OF INTERNAL REVENUE,
September 7, 1878.

SIR: I am in receipt of your letter of the 4th instant, inclosing copies of letters of Deputy Collectors Hoffman and Gyles.

I note your statement in regard to the prospect of starting legal distilleries. This will be made the subject of another letter.

I also note the statements of your deputies in regard to the demonstrations of sympathy for Redmond at the Democratic primary meeting at Pumpkintown, and also the same sort of demonstration by a crowd at Pickens Court-House. It is of no special consequence how much sympathy may be exhibited for Redmond if the people observe the law and do not organize to aid in resisting the officers in its enforcement, and I presume that no such thing will occur soon again.

I note the statement of Deputy Collector Hoffman, that I. Alexander and five others are with Redmond at his home on the Toxaway River, and that an attempt to arrest Redmond would meet with resistance, and probably bloodshed. I assume that at this time Redmond is not engaged in the business of illicit distilling or of selling illicit whisky; he is simply pursuing the avocation of keeping out of the way of officers who seek his arrest. It is the duty of Marshal Wallace to arrest Redmond when he thinks the proper time has arrived to do so. The organization of your special forces was not intended by me for that purpose, unless in aid of the marshal's deputies, and at the request of the marshal. I want your force to be actively engaged in the business of policing the infected districts, seizing illicit distilleries, causing the registration of distilleries, and encouraging citizens in the observance of the laws and in the establishment of legal distilleries if they see fit to do so.

Redmond's career as a violator of the law is about at an end, and your deputies should observe due care to avoid a collision in which any of them may be killed. I want you and them to understand that if there is a manifestation of an organization on the part of illicit distillers for the purpose of resisting the laws, that instead of attacking them with a handful of men I will authorize you to employ such a force as will be overwhelming, so as to avoid bloodshed on either side. We have had enough of this, and I trust to see you able to enforce the laws without the necessity of a resort to arms.

If you have a warrant for the arrest of Redmond you might return it to the marshal and say to him that whenever it is his pleasure to execute the warrant, and he will send a suitable force of deputy marshals for that purpose, and give you timely notice of his intentions, you will organize a sufficient force to aid him in the work. Then if your deputies give out the fact that they have no warrant for the arrest of Redmond, that it will be the business of the marshal to arrest him, and that it will be done in due time, I think you will find that Redmond will soon become fatigued of his mode of life, and go to some other portion of the country, or else will move about so openly that his arrest can be accomplished without difficulty or trouble.

Very respectfully,

GREEN B. RAUM,
Commissioner.

E. M. BRAYTON, Esq.,
Collector, Columbia, S. C.

UNITED STATES INTERNAL REVENUE,
COLLECTOR'S OFFICE, DISTRICT OF SOUTH CAROLINA,
Abbeyville Court-House, November 21, 1878.

SIR: I have the honor to report that the force of special deputies met at this place on Tuesday, 19th, and yesterday morning we started towards Lowndesville. From information, I thought it advisable not to separate. We arrived in the vicinity of John G. Hardin's place about 2 p. m. I left Carson and Watson to search the woods to the north of Hardin's place, and Kennedy accompanied me to the old brandy still-house, where we found a still in the furnace partly filled with peach pomace, but there were no signs of recent use. All the tubs had been removed, and the water supply had been cut off.

While endeavoring to find out particulars from a Mr. Beasley living close by, we were joined by Carson and Watson, who reported they had discovered evidence of a still in the vicinity where young Hardin lived, but they were afraid to leave their horses unguarded while searching. It was almost dark at this time, and we decided to feed our horses and obtain supper at old Ralph Hardin's house. On our arrival there, we further decided to remain there over night, and to start back to young Hardin's at daybreak.

After supper, about 8 p. m., some seven or eight men came to the house and remained in the room with us. A half an hour after, five of them left, and shortly after old Hardin came in and told Carson that somebody wished to see one of us outside. Carson informed me on his return that they demanded the names of all of us, and where we were from. The spokesman, who is said to be Henry Daniels, alias "Red Fox," said when my name was mentioned, and the fact that I was born North, that he "hadn't a d—d bit of use for anybody from the North," and "would kill them as quick as a rattlesnake." He also declared that they liked whisky, and would not be interfered with by us in their way of getting some; that we must leave that section without delay. During this conversation the house was surrounded by about forty men, who, before retiring, fired their rifles, mostly Winchester rifles, from the sound. I have since learned that the interposition of the family alone saved a bloody scene. They insisted on hanging us anyhow, and, of course, while they had men enough to do it, we would not have quietly permitted them to do it.

This is said to be the worst section of the State. The Creek Nation resides on both sides of the line, and I am told they will fight, and can collect a large force at short notice.

Respectfully,

E. G. HOFFMAN,
Special Deputy Collector.

E. M. BRAYTON, Esq.,
Collector of Internal Revenue, Columbia, S. C.

[Telegram.]

UNITED STATES INTERNAL REVENUE,
COLLECTOR'S OFFICE, DISTRICT OF SOUTH CAROLINA,
Columbia, S. C., January 11, 1879.

Hon. GREEN B. RAUM,
Commissioner of Internal Revenue:

I have information of the seizure, on the 7th instant, of a blockade whisky wagon and 2 horses at Bennettsville, S. C., and near Walhalla, S. C., of a wagon, 2 mules, 72 gallons unstamped whisky, and arrest of the owner, Thos. Blakeley, of Rabun County, Georgia. A telegram, just arrived, announces the capture of the latter seizure by a gang of Georgians, who broke open the stable. To prevent the threatened release of the owner he has been carried to Greenville, S. C.

E. M. BRAYTON, *Collector.*

UNITED STATES INTERNAL REVENUE,
COLLECTOR'S OFFICE, DISTRICT OF SOUTH CAROLINA,
Columbia, February 10, 1879.

SIR: I have the honor to report that I am possessed of the following information concerning the attempted capture of a notorious blockader and his team, and his escape, after a desperate struggle with the officer and his assistant, both of whom were wounded:

Special Deputy Collector W. H. White received intelligence on Thursday, the 6th instant, that a loaded whisky wagon had passed near Block's Station, towards Pinckney's Ferry, Union County, South Carolina. He obtained the assistance of one Childers, and started in pursuit. They overtook the team about two miles from Pinckney's Ferry, South Carolina, and found it in camp guarded by Jake Mull and his driver, one Smith. Special Deputy White at once proceeded to make arrest of these persons, being satisfied that the wagon was loaded with unstamped whisky, and recognizing in Jake Mull a notorious and desperate blockader. It was about two o'clock in the morning. As soon as Mull discovered the officer and his business he pulled his pistol and began firing without ceremony. The first shot wounded White slightly, and almost immediately his pistol was knocked out of his hand. He then engaged Mull in a hand-to-hand struggle. About this time Childers, the assistant, was shot in the hand, and, having no pistol, took flight. This left Special Deputy White to continue alone and unarmed a deadly encounter with Mull and his driver; and the odds were unexpectedly increased by the action of White's dog, which unaccountably turned upon his master and lodged his teeth in his leg. While the driver went to the wagon to get a gun for Mull to kill White, the latter, who is a powerful man, overcame Mull and made his escape. It seems almost a miracle that he saved his life. Four shots were fired in all, but only two took effect, wounding White and Childers, the former in the thigh, the latter in the hand. The officers did not fire a shot. After his escape, White returned to Yorkville, S. C., and reported the facts to United States Commissioner Latimer, who telegraphed me, and I dispatched to Deputy Collector Gyles, at Spartanburg, to proceed at once to Pinckney's Ferry. It is from the latter officer's report that I get these facts. He found Mull had passed with his team into North Carolina, and nothing could be done at present to secure his arrest.

I learn that Jake Mull is a man about sixty years of age, and a well-known revenue-law breaker in this State and North Carolina. He was arrested in 1875 or '76, by assistance of a posse of soldiers, after forcible resistance, in which his arm was broken. He has served a sentence of eighteen months in the Albany Penitentiary. I also hear that not long since some of the North Carolina authorities seized from him over 1,000 gallons of spirits, and in endeavoring to arrest him he shot one of the horses of the revenue force.

Very respectfully,

E. M. BRAYTON, *Collector.*

Hon. GREEN B. RAUM,
Commissioner, Washington, D. C.

TREASURY DEPARTMENT,
OFFICE OF INTERNAL REVENUE,
March 14, 1879.

SIR: I acknowledge the receipt of yours of the 11th instant, and note your statement in regard to the increase of illicit distilleries in Pickens and other counties.

I trust that you will take immediate steps to put an end to all this illicit work and encourage the erection of legal distilleries so that we can have officers of internal revenue throughout all of the northern tier counties in your district to act as sentinels to see that the laws are enforced.

Very respectfully,

GREEN B. RAUM,
Commissioner.

E. M. BRAYTON, Esq.,
Collector, Columbia, S. C.

[Telegram.]

UNITED STATES INTERNAL REVENUE,
COLLECTOR'S OFFICE, DISTRICT OF SOUTH CAROLINA,
Columbia, S. C., April 17, 1879.

Hon. GREEN B. RAUM,
Commissioner of Internal Revenue, Washington, D. C.:

Special force captured two stills, 3,000 gallons mash, 300 gallons low wines, 50 gallons whisky, and one prisoner in still-house on Chattooga River; party fired on 18 miles from Walhalla. No one hurt.

E. M. BRAYTON,
Collector.

[Telegram.]

UNITED STATES INTERNAL REVENUE,
COLLECTOR'S OFFICE, DISTRICT OF SOUTH CAROLINA,
Columbia, S. C., April 19, 1879.

HON. GREEN B. RAUM,
Commissioner, Washington, D. C.:

While the revenue force was engaged in destruction of an illicit distillery about 12 miles from Spartanburg Court-House, the officers were fired upon and Special Deputy Collector Byron wounded in the thigh and shoulder. This is the second instance within a week that an assassination of the revenue officers has been attempted.

E. M. BRAYTON, *Collector.*

To give the House of Representatives a proper idea of the difficulty of enforcing the laws against illicit distillers, it seems necessary to state that in many districts there has been a strong public sentiment against the internal-revenue laws and against the officers, and this sentiment found expression in the conduct of State courts, State officers, and the press. The illicit distillers thus encouraged had no hesitation in organizing to resist with force collectors and their deputies in making seizures, and marshals and their deputies in making arrests.

Taking advantage of this state of affairs, many well-to-do persons engaged in the illicit manufacture of spirits and tobacco so that defrauding the government of its taxes on spirits and tobacco became the regular business of many hundreds of persons, this fraudulent traffic seriously interfering with the trade of honest men who were engaged in the same business and well disposed toward the enforcement of the laws and the payment of taxes from those articles.

The following letters from reputable and prominent dealers at Atlanta, in the second district of Georgia, show the interest manifested by this class of persons in compelling an observance of the laws for the collection of the taxes:

ATLANTA, GA., *February* 27, 1879.

SIR: * * * * * * *

Your management of the affairs of the revenue in our State encourages us to express ourselves thus freely, for never has the effect of vigilant revenue service been so plainly felt upon our trade as now. The active pursuit by the revenue officers of illicit distillers and dealers during the last year, although it has not stopped all, has prevented so much that our trade has been vastly benefited, and not being in condition to handle illicit goods ourselves, it is not necessary to explain how an increase of our trade must increase the revenue from spirits.

On this account we respectfully ask that instead of extending exemptions, that all restrictions in your power be enforced, that your warfare upon the illicit traffic be continued, and every means you can adopt will be made use of to secure the payment of tax upon all spirits produced.

Very respectfully,

COX, HILL & THOMPSON.
JNO. M. HILL & CO.
CLAYTON & WEBB.
MAYER, SON & CO.
FRANK M. POTTS.
PAUL JONES.
L. COHEN & CO.
JONES & CO
WM. BICK.

The Hon. COMMISSIONER OF INTERNAL REVENUE,
Washington, D. C.

[Clayton & Webb, wholesale dealers in foreign and domestic wines and liquors.]

ATLANTA, GA., *March* 1, 1879.

DEAR SIR: * * * * * * *

The illicit traffic in our section has almost ruined the trade of the honest dealer; in fact in many portions of this and adjoining States the dealer in legitimate goods has

been forced entirely out of the market, and not until within the last year have we felt that we were having any protection from the revenue officials, and not even now have we the full protection for which we pay, and to which we are entitled by a strict conformity to the laws of the government.

The course that has been pursued during the last year, however, has put the trade of the legitimate dealer in a way to regain a fair footing, and we hope you will urge upon the Commissioner the necessity of protecting the honest dealer, and of suppressing the distilling and handling of illicit spirits. * * * And urge upon him, if possible, to so change his ruling in regard to fruit distilleries as will prevent the market from being flooded for six months in the year with fruit brandy, made at registered distilleries, but which, by means of false returns by the distillers, escapes the payment of tax.

We know the idea has been entertained by some of our representatives that the revenue tax is onerous on our mountain neighbors who are distillers of whisky and fruit brandy. But it is evident that the consumer pays the tax and not the producer nor dealer. The producer puts on the tax to the cost of production and sells to the consumer, and so long, then, as the consumer does not complain, in what way is the producer injured? But as the illicit producer puts his goods on the market just sufficiently lower than tax-paid goods to insure a ready sale, it is clear that the consumer is not relieved from the tax, but, instead of its going to the revenues of the government, it is a premium to the illicit distiller for the violation of law.

Believing that you will agree with us on these points, we again ask your influence and exertions in bringing about the desired end, and especially urge upon the Commissioner the necessity of using such means as will successfully prevent the traffic in illicit spirits. If your time is too much occupied to do more, be kind enough to indorse this favorably and refer it to the honorable Commissioner of Internal Revenue.

Very respectfully, yours,

CLAYTON & WEBB.

General JOHN B. GORDON,
United States Senator, Washington, D. C.

Respectfully referred to the honorable Commissioner of Internal Revenue with full indorsement of writers as gentlemen of position and intelligence.

J. B. GORDON,
United States Senator.

In my judgment only one of two courses was left open to be pursued, either to allow illicit distillers and illicit manufacturers of tobacco to produce and sell their products free of tax without molestation, or to organize a sufficient force in each district where these frauds were being perpetrated to enforce the laws. The latter policy has been pursued with as much vigor as the limited means set apart from time to time for this purpose, from insufficient appropriations, would allow.

The difficulties encountered and means adopted to overcome them have been substantially the same in all districts, as will be perceived by referring to the preceding reports and letters relating to each district.

The State of South Carolina may be taken as an example. The northern counties of that State were filled with illicit distilleries. The product was either sold at the still or sent in wagons to town and country dealers. From North Carolina numerous peddlers came with illicit manufactured tobacco, so that a lucrative business was carried on in wagons in various parts of the State in the sale of whisky and tobacco which had escaped the tax. The press, the local State officers, the courts, and public opinion were all arrayed against the laws taxing these articles, and against internal-revenue officers. The violators of the law made common cause against the government. They were armed, and on occasion came together to resist and drive out the officers who undertook to invade their territory. Occasionally they made forays in force against the officers and to intimidate well-meaning citizens who were disposed to aid or who entertained them. They bushwhacked, killed, and wounded a number of officers. They frequently rescued property and prisoners, and when worsted in their operations would resort to the State courts for revenge. In such an embarrassing condition of affairs

it required a high degree of moral courage to induce a reputable man to accept an appointment as a United States internal-revenue officer. I am glad to be able to report, however, that the services of good and true men were secured.

On the night of the 12th of March, 1878, I received the following telegram:

COLUMBIA, S. C., *March* 12, 1878.

HON. GREEN B. RAUM,
Commissioner, Washington, D. C.:

Information is just received from Special Deputy Collector Hoffman that on the 9th instant the three illicit distillers arrested by his force and committed to jail at Pickens Court House by Commissioner Thornby were released by an armed mob, supposed to be led by the outlaw Redmond. The sheriff who surrendered the keys to save his life refused to aid in recapturing the prisoners. Deputy Collector Jillson, at Greenville, telegraphs he has advices that an armed crowd last night surrounded the house of William Gary, who aided the revenue officers in arresting the released distillers, for the purpose of hanging him. When satisfied that he was absent with the officers, the mob started in pursuit, threatening to capture Gary and drive the officers from that section. The danger of the officers being overpowered is imminent. Redmond's gang is organized and desperate.

E. M. BRAYTON, *Collector.*

I immediately replied as follows:

OFFICE OF INTERNAL REVENUE,
Washington, March 13, 1878.

E. M. BRAYTON,
Collector of Internal Revenue, Columbia, S. C.:

Organize force strong enough to enforce the laws and capture the offenders. Employ only courageous and reliable men, paying them adequately for their services and all expenses. Put the most reliable deputy in charge and move against the outlaws. Do not fail to use all necessary means to overcome resistance. Arrest Redmond, or whoever is ring-leader, at any cost. Offer of reward for Redmond's arrest is yet in force. All your expenditures will be promptly paid. If the mob retreat toward North Carolina, telegraph Collector Mott to organize his force to co-operate with you, indicating the locality where it should operate. I will sustain you with all the power at my command. Act promptly and vigorously.

GREEN B. RAUM,
Commissioner.

In pursuance of this authority, Collector Brayton employed 25 men, who, armed and equipped as cavalry, aided in making seizures and arrests. The work was carried on with so much energy and courage, both by day and night, and so much enterprise was exhibited in making and securing arrests, that hundreds of the violators of the law, including their boldest leaders, felt so insecure in their homes that they took refuge in the mountains to avoid capture. Finally, the pressure became so strong that a number of these men made overtures of surrender, and although warned by the newspapers that they were about to be led into a trap, they trusted the officers of the government. The facts being brought to the attention of the department, the district attorney was instructed to accept pleas of guilty, with suspension of sentence during good behavior of all those who might appear, except a few leaders whose offenses were very aggravated. Under this arrangement 329 persons surrendered and plead guilty at the July, 1878, term of the United States court at Greenville during a period of three days.

The reasons which induced me to recommend this lenient course were, first, that the arrest of these men would have undoubtedly been attended with considerable bloodshed, and their trial and punishment with a very large outlay of money. Their surrender would give our officers immediate possession, without resistance, of the mountain country where the frauds were mostly perpetrated, and enable them to prevent further violations of the law. Secondly, I believed that by a signal

exhibition of leniency on the part of the government, the public sentiment would be changed in favor of the observance and enforcement of the laws, and that the State officers and press would take a position against the continuance of these frauds.

I am glad to be able to report that dating from this great act of clemency there has been a steady improvement in the condition of affairs in connection with the internal-revenue service in South Carolina. There exists a much better state of public opinion in respect to enforcing the laws. The State officers have generally lent their influence in favor of their observance, and the press advises people to abstain from violating the laws. The United States officers have not recently been resisted. Four officers stationed at Walhalla, four at Spartanburgh, and two at Cheraw police the country without apprehension of danger, prevent the running of illicit distilleries, affiliate with the people, and encourage them to establish legal distilleries if they will embark in the business of making spirits.

Great progress has been made in West Virginia, the southwestern portion of the fifth district of Virginia, and in the fourth, fifth, and sixth districts of North Carolina, in the second, fifth, and eighth, and ninth collection districts of Kentucky, in the State of Tennessee, in the second collection district of Alabama, and in the third district of Georgia, in all of which districts it has been found necessary from time to time to organize forces of armed men to aid the officers in making seizures and arresting persons engaged in defrauding the goverment.

The second collection district of Georgia is at present the most difficult field of operation against illicit distillers. The business has been profitable, almost destroying the trade in tax-paid goods. Many causes have combined to encourage the continuance of these frauds, and it has been found difficult and dangerous to meet and overcome the opposition of the courageous mountain people.

It is of the utmost importance to the government and to these people that these frauds and resistance to the law be promptly overcome. Even-handed justice requires that every citizen shall pay the taxes required of him by law, and that as long as a tax is imposed upon distilled spirits, that distillers in all parts of the country shall be required to pay their taxes. The practice of manufacturing illicit spirits and resisting the revenue officers encourages a man to set at defiance all law, and a community largely composed of illicit distillers is soon dominated by them, and a good citizen endangers his life and property by any steps to have their unlawful and demoralizing business broken up. Many worthy citizens desirous of seeing the laws enforced, and anxious to protect their sons from the temptation of the illicit worm, have had their stock killed, their barns and houses burned, and have frequently been bushwhacked by illicit distillers when suspected of giving information to the revenue officers.

It is proper to state that in these districts there are numerous peaceable, law-abiding citizens who are in nowise connected with these frauds and disorders, and there are many reputable manufacturers and dealers who rely for their profits upon the transaction of legitimate and honest business; but before these citizens will throw the weight of their influence in favor of the government, it is necessary for the officers of the law to overcome and subdue the turbulent men who are engaged in perpetrating these frauds. It is observable in many quarters that the better judgment of the people is asserting itself in favor of law and order, and good men are becoming alarmed at the evil effects produced upon society by the uncontrolled manufacture and sale of whisky.

The News and Courier, published at Charleston, S. C., recently contained the following article:

The State is more in need of saving than it was in 1876. Whisky is a worse foe than Radicalism, and brings worse ills in its train. To the women of South Carolina, then, we appeal, for the State and the name of the State.

To further show to what extent this evil prevails, and what serious apprehensions it causes in the minds of the better class of citizens, I invite your attention to extracts from a very recent report unanimously made by the grand jury in Cherokee County to the court, and to an extract from the presentment of the grand jury of the county of Forsyth, second district of Georgia, very recently made to the court.

An appeal to the law-abiding citizens of Cherokee County.

In obedience to the instructions of his honor, Judge Lester, we have, so far as practicable, in the limited time allowed us, examined into the general condition of our county and its various interests. * * * The court charged us that "every violation of the penal code was the subject of our investigations, and concerning which we should make diligent inquiry." We have returned bills when there was sufficient evidence to put the parties on trial. But there is a monster evil—the prime cause of our troubles—against which we cannot in form present a general bill of indictment, and yet it produces directly and is the moving cause of nine-tenths of the crime in the county, and almost in the same proportion of all the suffering, distress, and want of our people. This monster unnamed is yet known of all men.

* * * * * * *

Who does not realize the existence of the evil and know the cause and yet have difficulty to present legal proof? We know how unwilling the law-abiding, good citizens are to become parties in the prosecution of offenders and thereby endanger their own safety and peace; but does not self-protection and the protection of all that is good demand that the good men of the county should meet, as becomes good men, and suppress the evil? We have an abiding faith in the court if the citizens will present the proof. But all the evils are not from these two places, from the fact that the presence of illicit distilleries in the county is seen, known, and felt by the effects on society. Whisky, illicitly made, will be sold in the same way and to anybody. We do not propose to enforce the revenue laws which are so unpopular, because of their mode of enforcement, but we must protect ourselves. The youth of the county ruined and murdered, and crime of every kind traceable to these horrible distilleries. Men and boys even now assert that it is not wrong to swear falsely rather than tell the truth and convict their friends, the illicit distillers and retailers without license. We reluctantly present these facts, but they are true and sufficient to alarm every lover of his county. * * * We appeal to all good citizens no longer to shelter these violators of law and disturbers of the public tranquillity by their silence and indifference. If men will make whisky and retail it, let them conform to the laws and observe the safeguard to society provided by law; and if they will not, then enforce the law and protect society from the outrages of this terrible monster.

(Signed by John B. Richards, foreman, Charles C. Ham, clerk, and the grand jurors.)

Grand jury of Forsyth County in the court-house at Cumming, Georgia.

We are satisfied that wickedness and lawlessness are on the increase in our county, such as dealing in spirituous liquors, riots, and in general disregard for law and morality; and we appeal to every law-abiding good citizen of the county to unite with the grand jury and the peace officers of the county in bringing all violations of law and good order to justice. We furthermore insist upon the magistrates and notaries public to issue warrants against all peddling wagons who pass through our county dealing out spirituous liquors, to the annoyance of the peaceable citizens, and to the injury of the youth of our county, and against all dealers in spirituous liquors, and violators of law and peace, and that due punishment be inflicted upon each according to the magnitude of the crime.

Fellow-citizens, let us unite to save our country from ruin. Justice demands it; our religion demands it; our country demands it; our wives and children demand it, and our manhood demands it.

There can be no question of the truth of these statements, coming as they do from men who are in no way connected with the enforcement of

the laws of the United States; and, in the case of jurors, from men sworn under the laws of the State to present the truth, they are certainly entitled to the respectful consideration of Congress.

Many of those arrested for illicit distilling either claim to be ignorant of the provisions of the internal-revenue laws or that they sincerely oppose their enforcement upon the ground of the injustice of any law for the taxation of whisky. They insist that, because in times past they and their fathers made whisky without the payment of a tax, a law now which regulates its manufacture and taxes it ninety cents per gallon is an encroachment upon their rights, which, as free men, they have a right to resist. This sincerity on their part seems to have invested their conduct with a kind of heroism in the estimation of their friends.

Observation and experience show that it is very difficult to eradicate from the minds of men an error sincerely entertained. It is therefore obvious that it requires time, with the constant pressure of the enforcement of the laws, to bring these men to embrace the proposition that it is the duty of every citizen to faithfully observe every law while it remains upon the statute-book, whether he approve it or not.

I insist that, in the interest of the revenue, of law and order, and morality and education, this demoralizing business should be broken up. This can only be done by a firm, energetic, and determined enforcement of the laws. Humanity dictates that the force engaged in this work should be sufficiently strong to prevent bloodshed. The distillers are armed; the officers for self-defense must be armed; and they have been armed from the government arsenals with the most improved breech-loading guns.

In my opinion an appropriation should be made at once for the employment of a suitable force for this work. After the illicit distilleries have been broken up, the districts so infested should be constantly policed to prevent the re-establishment of them. If this course is pursued for two or three years, I am satisfied it will have a salutary effect in producing a healthy state of public opinion favoring the enforcement of all laws.

In respect to the manner in which the laws have been enforced I deem it proper to say that the very best men that could be appointed have been brought into the service for this purpose. The service has been severe and hazardous. In times of danger and great provocation officers may occasionally have exceeded their lawful powers. Such cases I am satisfied, however, have been of rare occurrence.

The casualties to officers and employés during the past three years and a half show the dangers attending this branch of the service. It will be seen by reference to the tabulated statement appended that *twenty-five have been killed* and *forty-nine have been wounded.*

I affirm that the laws have not been enforced in a spirit of oppression or severity. While men continued their frauds and offered resistance to authority I felt it my duty to make every possible effort to enforce the laws. When they were overborne by the efforts of our officers, and found that further resistance was vain, and manifested a determination to observe the laws in future, I have never hesitated to favor the most lenient proceedings if I became satisfied that their professions were sincere, and that a lenient course would result in encouraging a public sentiment favorable to the observance and enforcement of the laws.

Since the 1st of March, 1877, sentences have been suspended in the various districts in criminal proceedings against persons who have

pleaded guilty to the violation of the internal-revenue laws, principally illicit distilling, as follows:

Judicial district of Georgia	926
Western judicial district of North Carolina	370
Middle judicial district of Tennessee	426
Eastern judicial district of Tennessee	255
Western judicial district of Tennessee	37
Judicial district of South Carolina	378
Judicial district of Alabama	114
Total	2,506

Such wholesale jail deliveries cannot, of course, be continued from year to year. No system of statutes with heavy penal provision can long be maintained where all offenders are turned loose without punishment.

The following letter, from a number upon this subject, indicates the policy of the department in regard to amnesty:

TREASURY DEPARTMENT,
OFFICE OF INTERNAL REVENUE,
February 9, 1880.

SIR: I have your valued favor of the 3d instant, in regard to the business of your court in connection with internal-revenue cases, and note your inquiry as to the policy for the future in reference to cases against illicit distillers and others.

I have not been favorable to granting amnesty to violators of the internal-revenue laws at more than one term in a judicial district. The object I have had in view was to arouse in the breasts of well-meaning citizens a sentiment favorable to the enforcement of the laws by such an act of leniency to offenders as would show that there was no disposition for a harsh and vindictive enforcement of the laws. Enough has been done in your court, in my opinion, to secure this end, and I am disposed to have the laws enforced against other offenders. The practice of amnesty cannot be adopted as a perpetual policy. If so, it would be well to abolish the courts altogether. I have no doubt that the punishment of a number of ring-leaders and prominent offenders will go a great way towards deterring the lesser offenders from a repetition of their unlawful acts.

It is my wish to secure a uniform enforcement of the laws in every district and State of the Union. You understand in the majority of Northern States, in fact in all the Northern States, no such course as has been pursued in your court would be approved of by public opinion.

Very respectfully,

GREEN B. RAUM,
Commissioner.

Hon. XEN. WHEELER,
United States Attorney, Knoxville, Tenn.

It is a remarkable fact that, with the exception of the conviction of one man for the killing of Deputy Collector Cooper in East Tennessee, no one has been punished on account of the many murders and assaults to murder committed upon our officers.

Upon the other hand, innumerable prosecutions have been instituted in State courts against United States officers for alleged offenses perpetrated while in the performance of their official duties, mainly, as I believe, to obstruct the enforcement of the laws of the United States; and the transferring of cases to the Federal courts for trial has often been hindered and delayed, and the writ of *habeas corpus* issued by a United States court for such transfer has been disregarded or delayed.

Below I give the number of officers and employés of the government against whom prosecutions have been instituted in State courts for acts

committed while in the discharge of their official duties in enforcing the internal-revenue laws during the last three fiscal years.

District of Arkansas	12
Second district of Georgia	34
Third district of Georgia	12
Second district of Kentucky	5
Fifth district of Kentucky	4
Fourth district of North Carolina	1
Fifth district of North Carolina	15
Sixth district of North Carolina	20
District of South Carolina	18
Second district of Tennessee	14
Fifth district of Tennessee	22
Fifth district of Virginia	8
Total	165

In my last two annual reports I had the honor of calling your attention to this subject, and of expressing the opinion that the existing laws of the United States should be amended so as to afford better protection to the lives and persons of officers, by providing for the trial and punishment of persons who murder or assault to murder officers of the United States while engaged in enforcing the laws.

With a view to remedy the evils resulting from the illicit distillation of spirits, I have endeavored to induce well-disposed persons to establish distilleries and operate them according to law, and for this purpose have urged upon the collectors the importance of instructing them and rendering them every assistance in their power to engage legitimately in the business.

The following letter was addressed to all the collectors in districts where illicit distillation has prevailed:

TREASURY DEPARTMENT,
OFFICE OF INTERNAL REVENUE,
Washington, July 24, 1878.

SIR: In my opinion it is of great importance that the establishment of legal distilleries should be encouraged by all proper means throughout your district, especially in those sections in which the illicit manufacture and sale of spirits are carried on. It is far better in respect to public morals that spirits should be made openly and in accordance with law and the taxes paid thereon than that they should be made illicitly, in defiance or evasion of law, and to the great injury of the government in respect to its revenues. If a number of legal distilleries were established in the counties where illicit distillation has mostly prevailed, I am satisfied you would find the presence of storekeepers and gaugers in those counties and the frequent visits of your deputy collectors would have the effect of rooting out the illicit distilleries. In carrying out this plan great care should be observed to give full instructions and information to the owners of the distilleries, so that they may avoid difficulties and save themselves from assessment, either for excess or deficiency.

I think it would be well for you to call attention to this matter through the public press, and to have your deputies in the various divisions talk the subject up while they are policing their divisions.

Very respectfully,

GREEN B. RAUM,
Commissioner.

E. C. WADÉ, Esq.,
Collector, Savannah, Ga.

The vigorous enforcement of the laws against the illicit production and traffic in spirits, together with the efforts of the officers to encourage the establishment of legal distilleries, has produced excellent results.

In the districts where these violations of law have been most frequent

the legally registered grain-distilleries have, since January, 1878, increased from 158 to 430.

In the same districts the collection of taxes on distilled spirits for the fiscal year of 1879 exceeded those of 1877 by $683,697.12, or 99 per cent.

The increase of the collections from the same source during the first six months of the present year, as compared with the first six months of 1877, is $363,987.68, or 82 per cent., as will appear by the the tables hereunto annexed, and it is estimated that at the expiration of the present fiscal year the increase over 1877 will exceed 100 per cent.

In the fifth district of North Carolina the greatest frauds were practiced in the manufacture of tobacco. In 1877 16 factories were seized in a single day in one town, and the vigorous efforts against the owners of these factories virtually put an end to frauds in tobacco in that district.

Great frauds were also practiced by illicit distillers, and, as will be seen, 295 illicit distilleries have been seized.

The effect upon the revenues of said district has been very marked, as will appear from the following figures:

1877, amount collected	$568,073 11
1879, amount collected	1,064,463 12
Increase	496,390 01

The gravity of these offenses can hardly be exaggerated. The fact that more than 3,000 illicit distilleries have been seized during the past three and a half years conclusively shows the extent of these frauds. I have no hesitation in expressing the opinion that in the year 1876 the government was defrauded of at least $4,000,000 by the illicit manufacture and sale of spirits and tobacco.

It must be understood that the habit of defrauding the government and resisting its officers had become so firmly fixed in many districts that there was no prospect of men thus engaged voluntarily abandoning their practices, and that the results which have been accomplished are due to the intelligent and persistent effort of our officers to establish the supremacy of the laws and suppress frauds; and these results have been accomplished by the ordinary allowances for the collection of the revenue supplemented by extraordinary allowances and expenses, during the past three years and a half, of $149,552.51.

It is obvious from the foregoing facts that the successful enforcement of the internal-revenue laws will result—

First. In a large increase of the revenues of the government.

Second. In protecting the interests of honest manufacturers and dealers who pay the taxes imposed by law.

Third. In repressing lawlessness; overcoming forcible opposition to the constituted authorities; establishing more friendly relations between tax-payers and the government and its officers, and restoring law, order, and peace to heretofore disturbed and turbulent districts.

Very respectfully,

GREEN B. RAUM,
Commissioner.

The following table shows the number of illicit stills seized, persons arrested for illicit distillation, officers and employés killed and wounded in the suppression of illicit distillation in the collection districts hereinbefore referred to, from June 30, 1876, to February 1, 1880:

District.	Stills seized.	Persons arrested.	Officers and employés killed and wounded.	
			Killed.	Wounded.
Arkansas	32	57	*1	.....
Second Alabama	224	778	.....	.....
Second Georgia	500	1, 772	5	12
Third Georgia	89	52	1	3
Second Kentucky	63	72	.....	3
Fifth Kentucky	63	101	2	1
Eighth Kentucky	108	53	.....	1
Ninth Kentucky	27	116	.....	.....
Fourth North Carolina	122	158	1	2
Fifth North Carolina	295	125	.....	2
Sixth North Carolina	618	771	1	4
South Carolina	254	284	5	10
Second Tennessee	206	663	5	3
Fifth Tennessee	265	832	2	4
Eighth Tennessee	18	11	1	.....
Fifth Virginia	119	287	1	3
First West Virginia	40	21	.....	1
Total	3, 043	6, 153	25	49

*Deputy Collector Leatherwood, second district of Alabama, was killed by illicit distillers in June, 1875.

Comparative statement showing the collections of internal revenue tax from distilled spirits in 1877 and 1879, and first six months of 1877 and 1880, in districts where illicit distillation has heretofore prevailed to the greatest extent:

District.	1877.	1879.	First six months of 1877.	First six months of 1880.
Second Alabama	$33, 711 81	$42, 315 73	$8, 296 26	$12, 332 12
Arkansas	57, 358 27	75, 938 06	14, 644 34	24, 833 08
Second Georgia	99, 545 04	145, 290 32	22, 016 30	68, 406 99
Third Georgia	30, 218 07	40, 069 73	3, 003 83	8, 878 25
Fourth North Carolina	50, 390 06	30, 830 74	22, 042 22	14, 766 39
Fifth North Carolina	54, 397 60	71, 394 47	25, 594 45	54, 188 27
Sixth North Carolina	93, 657 81	146, 005 82	43, 655 84	169, 835 32
South Carolina	52, 458 60	59, 184 20	8, 855 14	21, 607 51
Second Tennessee	37, 730 16	36, 542 43	18, 179 61	15, 594 02
Fifth Tennessee	612, 276 05	635, 718 67	248, 705 96	383, 586 72
Eighth Tennessee	42, 213 55	39, 801 62	7, 362 01	8, 759 03
Fifth Virginia	71, 093 12	45, 658 47	20, 206 68	23, 762 62
Total	685, 053 14	1, 368, 750 26	442, 562 64	806, 550 32

Increase of 1879 over 1877, $683,697.12, or 99 per cent. Increase first six months of 1880 over first six months of 1877, $363,987.68, or 82 per cent.

The following statement will show the increase in regular registered grain distilleries since January, 1878, in districts hereinbefore referred to:

District.	Number of registered grain-distilleries in operation—		Increase.	Decrease.
	January 1, 1878.	January 1, 1880.		
Arkansas	11	13	2	.....
Second Alabama	1	2	1	.....
Second Georgia	28	36	8	.....
Third Georgia	.....	3	3	.....
Fourth North Carolina	4	11	7	.....
Fifth North Carolina	16	74	58	.....
Sixth North Carolina	42	202	160	.....
South Carolina	3	22	19	.....
Second Tennessee	9	9	.....	.....
Fifth Tennessee	39	53	14	.....
Eighth Tennessee	.....	1	1	.....
Fifth Virginia	5	4	.....	1
Total	158	430	273	1
Total increase	.....	.....	272	.....

46TH CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { EX. DOC. No. 63.

INTEROCEANIC CANAL.

LETTER

FROM

THE SECRETARY OF THE NAVY,

TRANSMITTING,

In response to a resolution of the House of Representatives, a report of Lieut. T. A. M. Craven, relating to a survey for an interoceanic canal.

MARCH 18, 1880.—Referred to the Select Committee on Interoceanic Ship Canal and ordered to be printed.

NAVY DEPARTMENT,
Washington, March 17, 1880.

SIR: In answer to the resolution of the House of Representatives, of the 13th instant, "that the Secretary of the Navy be requested, if not incompatible with the public interests, to furnish this House with all information and correspondence touching an interoceanic canal now in possession of his department and not hitherto published," I have the honor to state that the files of the department have been examined and it appears that all the reports and correspondence in its possession touching an interoceanic canal have been communicated to Congress. The only report which has been communicated, but not hitherto published, as far as the department is advised, is that of Lieut. T. A. M. Craven, dated February 18, 1859, on the route surveyed by him for an interoceanic canal, a copy of which is herewith transmitted.

I am, sir, very respectfully,

R. W. THOMPSON,
Secretary of the Navy.

Hon. SAMUEL J. RANDALL,
Speaker of the House of Representatives.

WASHINGTON, D. C., *February* 18, 1859.

SIR: I have the honor to state that, in obedience to your orders of February 7, inclosing a resolution of the Senate of January 27, 1859, I have made such extracts, alterations, and modifications of my report of January 11, 1859, as that resolution seems to call for.

I have made the estimates for excavation of a canal only 100 feet wide at the surface, and have excluded the question of cost, which will be

found in my report of "Notes and Observations," made by me while in command of the recent expedition to the Isthmus of Darien.

My report is accompanied with nine maps, exhibiting my survey of the region traversed by the parties under my command, and illustrating the character of the country through which lies the route of the proposed interoceanic ship canal.

I will divide my report into two parts, the first giving a general description of the route traversed, with its geological features and vegetation, and an account of the many difficulties to be encounterd. I shall, in this first part, be compelled to enter into a minuteness of detail which, to the unprofessional reader, may appear as out of place, but which, it will be seen, has close connection with the capacity for endurance of persons engaged in labor in that region.

PART I.—I sailed from New York in October, 1857, in the United States schooner Varina, with the party under my command, and proceeded to Carthagena, New Granada, expecting there to be able to acquire much useful information as to the region to be explored—information on which I should be enabled to decide whether to begin my explorations from this side of the isthmus, or whether it would be more expedient to cross the isthmus to Panama, and, proceeding down the coast, commence operations from the Pacific shores. I arrived at Carthagena early in November, and from information acquired there determined that I should have many advantages in proceeding up the rivers, among the foremost of which was, that I should thus be compelled to traverse the entire route twice, and thus have ample opportunity for a careful examination and study of the question involved. Having reached Carthagena during a season of national holidays, I was much delayed in the preparations necessary there for completing the organization of the expedition. I was detained nearly three weeks by the repairs, outfit, &c., of a bonga, or large river boat, which I had hired for the river transportation of my party. But as the rainy season had not yet terminated, this time could not be called lost, as I was assured by persons best acquainted with the Atrato Valley that I could do nothing there during the rain.

I left Carthagena on the 29th November, and anchored in the Gulf of Darien December 2, from which time to the 8th I was occupied in measuring a base line and forming plans of operations for the survey of the Gulf of Darien. On the 9th December, having completed all of my arrangements, I left with the party detailed for the land operations, proceeding up the river in boats, which had been carefully prepared with such protection as was practicable against the exposure to sun and rain.

I left the schooner Varina in charge of Acting Master W. L. Bradford, who was directed to proceed with the hydrographic survey of so much of the Gulf of Darien as I considered necessary, assigning to him competent assistants for the execution of that duty.

The river Atrato discharges into the gulf by a delta of twelve mouths. The entrance to all of these mouths is barred by an extensive bank or mud flat, stretching along the entire western shores of the gulf, and extending into the gulf for an average distance of one mile.

I entered the river through the Boca Coquito, which is the most narrow and contracted of all the mouths, but is in most general use by the boats navigating the river, because it is very short.

On emerging from the Coquito, we enter upon an arm of the river called the Cañon Barbacoas; a broad and fine stream of water, its banks inundated, but gaily decorated with the palm in many varieties, and the richest and most beautiful flowers in great profusion. The stream here

has an average breadth of 380 yards, with sufficient depth of water for vessels of the largest size. Our passage up the river was very slow; we were so much detained by the tedious progress of the bonga, which was forced along by the long poles used for that purpose. The water is so deep that it is necessary to keep as close to the banks of the stream as the overhanging trees will admit.

The season of rains was over, but the natural levees which form the bank of the river were everywhere overflowed, and it was not until the fifth day that I found a small spot uncovered at a point fifty miles from the gulf. Here I essayed to land, but found it to be a most treacherous piece of bog.

The trees at this point began to attain a respectable size; though it cannot be said that there are any larger trees on the river, nor do they extend but a short distance back from the brink of the stream. Their appearance is that of a mere fringe of trees. Through the occasional breaks which occur, the eye has a range of miles over a vast region of morass.

The levees, of which I shall have occasion to speak, are a natural embankment, formed on either side of the stream, raised a few inches above the adjacent morass, and of more tenacious soil than that of the morass. These levees are quite narrow. One can proceed but a short distance from the river before reaching the impassable bog. As we proceed up the river the levees gradually begin to show above the surface of the water, and at Sucio I found them elevated 3½ feet above the water.

I reached Sucio on the 16th December. This is a small village of some twelve or fourteen huts, lying on the right bank of the Atrato, 63 miles from the outlet of the Boca Coquito. It is built on the first piece of habitable land we reached. The soil is composed of a sandy loam, and may embrace an area of five acres or less; the region back of it rapidly descending to the bogs. The village takes its name from the river of the same name, discharging into the Atrato a short distance above this point.

At Sucio I established a bench-mark for a future reference as to the stages of the river, and having remained at that place twenty-four hours for rest, I again started at noon, December 17, for the Truando, which discharges into the Atrato nearly opposite Sucio.

The Truando has a mean breadth of 60 feet and an average mid-channel depth of 10 feet. For 17 miles before entering the Atrato, the Truando flows through a vast lagoon, the extent of which is only limited by the horizon. The natural levees were everywhere covered with water to a depth of 2 feet; the rank grass, which attains a growth of 10 and 12 feet, being the only line marking the limits of the stream, with the exception of an occasional strip of woods.

By numerous careful trials throughout my progress I found the surface current of the Truando to be 1½ miles per hour.

At 16 miles from the mouth of the Truando we reach that portion of the stream flowing through the Palos Caïdos (fallen trees), a region of wooded islands, through which the river holds a labyrinthine course for a distance of 16 miles. The trees here are, some of them, of stately size as compared with those of the Atrato; though I saw none which in our own country would be deemed of large growth. The largest I saw was 20 inches in diameter at the base. There are no old trees. All seem to arrive at a rapid maturity and decay, the soil being without that tenacity required for the support of large trees. They are constantly falling, borne down by their own weight.

Through this portion of the river our ascent was more tedious and

laborious, the bed of the stream being in many places a complete mass of logs. We to had cut through many trees lying directly across the stream, and our progress was now reduced to 2 miles per day.

On the 23d December we reached a place which afforded some foothold in the wet and miry ground, and here I landed and established my first camp, which I named Camp Toucey, in honor of my distinguished chief. I built huts here for the safe-keeping of our provisions and temporary shelter of my party.

I had left the schooner with but two months' allowance of provisions, the ration reduced one-half. From the representations made to me, I had been led to believe that in three weeks I could reach the Pacific, but here, at the lapse of two weeks, I find myself progressing only at the rate of two miles daily, and still 40 miles from the Pacific coast, and nothing whatever yet accomplished. I therefore resolved to dispatch the bonga to Carthagena for supplies, to change my plans, and commence the survey at once, as I deemed that that work *could*, or *ought to*, go on as rapidly as the party could advance.

I assigned to Lieutenant Michler a party of seventeen men, with the care of running the lines of level and other topographical details of this portion of the route. I gave to Lieutenant Michler, for the use of the division under him, a metallic life-boat, a large canoe; had two light batteaux built for his use; gave him authority to purchase additional canoes, and served to him four weeks' rations for his men; and, having remained at Camp Toucey long enough to obtain a sufficient series of observations for ascertaining the rates of my chronometers, I on the 29th moved on to Camp Floyd, a point only two miles above Camp Toucey, yet my party had been two days occupied in cutting the way thus far. This and the last camp were ankle-deep in mud, and on the 30th a heavy rain flooded both camps.

On the 2d January, 1858, I reached a place which I named Camp Bache, about 4 miles above Camp Floyd. This was the first dry spot I had yet seen on the borders of the stream, and here I established a permanent depot for our scanty stock of provisions.

We found here a small and well-built Indian hut, standing on piles, 5 feet above the ground, and temporarily occupied by two families of this nomadic race. These Indians are very friendly and peaceable, of cheerful disposition, and, being quite willing to work, I found them to be at all times very useful.

This portion of the river is very narrow, having an average breadth of 30 feet. A rain during the night of the 3d of January caused the stream to rise 6 feet in as many hours.

Remaining at Camp Bache long enough to obtain complete sets of observations for time and latitude, I moved onward on the 7th of January to Camp Abert, my men and baggage having been sent up during the two previous days. I had at Camp Floyd adopted the plan of pushing my party on constantly, they keeping in advance of me, conveying stores, and having selected a camping-site, the boat returned for me, I meanwhile gaining time for astronomical observations.

At about 2 miles above Camp Bache we emerged from that portion of the river which flows through the Palos Caïdos, the whole extent of which may be stated as 16 miles. I have already spoken of this portion of the stream as coursing over beds of logs and constantly-falling trees, causing such obstruction that we moved along most slowly, having to cut our way with unremitting toil and exposure. The greater part of this severe labor was performed by a gang of native negroes, whom I had brought from Carthagena for such labor; but they in a very few

days began to complain of the arduous and fatiguing work, and to appease their discontent I was under the necessity of advancing their wages.

In my passage through this section of the river I observed that at every bend rapid changes are going on; the concave shores, receiving the full force of the current, are constantly being undermined and falling in, while salient shore is receiving deposition of mud. Another cause of change is in the obstructions caused by fallen trees on which the drift-wood lodges and forms rafts which completely dam the river, and thus force it to open new channels; an easy matter for the rushing water over a soil so light and porous.

The positive evidence of the rapidity of these changes was exhibited when on my return down the river, it being at a very low stage. I saw many trees laid partially bare which were deeply imbedded under the banks—trees of large size lying in all directions as they had fallen, covered several feet deep by the levees; the portions of them which were exposed showed but little evidence of decay, thus proving that they had not laid long in the ground, and that the process of change must be rapid indeed.

On clearing the Palos Caïdos we reach a portion of the river which is beautiful, the stream having an average breadth of 60 yards and a mean channel depth of 10 feet; the banks of the stream, still retaining their levee character, become more elevated, and are covered with a heavier growth of timber than we have seen before. The soil is an alluvium of sandy loam, having more tenacity than that below Camp Bache, where it is more largely mixed with decomposed vegetable matter.

A short distance back from the levees I invariably met with the impracticable morass.

Camp Abert is 7½ miles above Camp Bache, and above this point the river becomes a mere system of shallows, until we reach the rapids, seven miles above Camp Abert.

For 2 miles below the rapids the character of the shores changes, the river flowing through a fissure of argillaceous sandstone, being on either side quite precipitous and in some places 50 feet high. By a hydraulic calculation I estimate the fall from the foot of the rapids at Sucio to be 17½ feet.

At the rapids the rise is 25 feet in a distance of 3½ miles. The formation here is of the most formidable trap rock, a black basalt; the river winding with very sharp turns through a gap in the mountains. Above the rapids the river flows for the most of its way over a bed of solid rock as far as Camp Maury, with an average depth of 6 feet. At 2 miles above the rapids the river loses its mountainous character, the banks resuming their former appearance, with an elevation of 2 feet above the stream.

At Camp Maury, 7 miles above the rapids, the Nuquah discharges into the Truando, and, this being the route designated, I followed it. The Nuquah is a mere rivulet, so shallow that our canoes had to be dragged nearly one-half the way up to Camp Nuquah, 9 miles above Camp Maury.

At Camp Nuquah there is an Indian hamlet of three houses, but I found only one family there, and secured the services of an intelligent Indian to guide my party over the mountains.

By the time I had reached Camp Nuquah I had three of my men disabled from the stings of insects. Our sufferings from insects have been beyond description. In the lower part of the Atrato we were tormented during the whole day by a large fly, which actually left a puncture from which the blood oozed. On getting some 30 miles up the river we

were met by swarms of mosquitoes, which from early evening until daylight kept us in constant misery, and, although we were all provided with "bars," we passed many wretchedly sleepless nights. Frequently have we spent the entire night sitting around the camp-fire, preferring the heat and protecting smoke to the tormenting blood-suckers, and on more than one occasion have I, in utter desperation, wrapped myself closely in my blankets, and thus, covered from head to foot, have, through their exhaustions, slept, the thermometer at 82° Fahr. But since entering these small streams we were from sunrise to sunset worried by a minute gnat, which attacks in swarms and buries itself into the skin, and the sting of which was always followed by a blood-blister and most painful itching. On the 20th January, with my party reduced to six persons and my Indian guide, I left Camp Nuquah and took the Indian trail for the Pacific, reaching the coast at noon on the 22d, after a fatiguing walk of 13 miles.

At the point of the coast visited, the little river Totumio discharges into a shallow inlet, called "Bahia Ensuiada" (Creek Bay). This inlet is formed by an outer beach, called by the inhabitants "Isla Playa" (Beach Island). This island or beach is evidently of recent formation, and rapidly extending itself towards the sea, which is continually adding to its sands.

I remained on the Pacific shores five days, during which time I made a complete reconnaissance by triangulation of the inlet, with a topographical sketch of its shores, and enough of the hydrography to show the character of the place.

Mr. George B. Griffin, my assistant, made a careful series of tide observations while I was occupied with the surveys, the result giving a a mean rise and fall of 7½ feet during our stay there, the tides being neaps. I also made full series of observations for time, latitude, and magnetic declination.

It will be seen by reference to the chart (B) herewith furnished that the shores are very bold for sandy shores, the depth of 7 fathoms being at a distance only of 600 yards from the beach. The formation is of quicksand, the rapidly changing character and the difficulties of working which are well known to engineers.

During the time I was engaged in the survey there, a dead calm prevailed, yet the ocean-swell came in with heavy rollers, breaking in three fathoms, and although that region of coast is peculiarly exempt from storms, there is another agency at work there well known to the mariner of that coast, and which he is aware he must guard against. I allude to the periodic swell of the full moon, at which times the sea frequently breaks in 7 fathoms along that coast, and the visible evidences of which, in the way of driftwood, are strown along the beach of Isla Playa hundreds of feet from the high-water mark.

Any artificial erection at this place will need to be carried out to 7½ fathoms, and I will venture to assert that the erection of any jetty, breakwater, or other aid to navigation having the great swell of the Pacific Ocean to contend with is, at the depth of 7½ fathoms, a simple absurdity.

And if, for argument's sake, it were admitted that human ingenuity could surmount all obstacles and construct here a jetty, the protection of a breakwater would be required, not only for the preservation of the jetty, but to afford shelter to vessels seeking transit through the proposed canal, as no vessel would venture to approach the coast, at all times, unless a secure anchorage were offered. Who can determine the cost; who the time required for the construction of a work of such mag-

nitude? The British Government was upwards of thirty years engaged in building the breakwater in Plymouth Sound—a work of insignificance as compared with that which would be necessary on the Pacific Coast.

* * * * * * *

The discussion of cost is omitted.

Having completed my observations at Totumia, the name of the little village on the Isla Playa, I, on the 26th, commenced to retrace my steps, carefully making a reconnaissance with clinometer and compass, by which to get an approximate profile of the route.

I reached my camp station on the Nuquah on the 28th January, and remaining here one day for the purpose of testing my chronometers, by a comparison with previous observations, I, on the 29th, commenced descending the streams, taking down with me my Indians, that I might transfer them to Lieutenant Michler.

In descending the rapids I had the misfortune to have one of my canoes swamped and stove, by which disaster I lost upwards of 100 pounds of bacon and all of our plantains—a loss most seriously felt at this time, as our provisions were already reduced to two scanty meals daily; this necessary economy had enabled me a day or two previously to transfer to Lieutenant Michler's men a supply of concentrated provisions which I had been keeping as a last resource.

I rapidly descended the streams till below the Palos Caïdos, when I commenced the survey of the lower portion of the Truando, which I continued until I reached Sucio, on the 5th February. I was in several places, however, obliged to discontinue the soundings on account of the masses of logs lying on the bottom and endangering the lines. I obtained, however, soundings enough to show the general depth of the stream.

On reaching Sucio, I was greatly perplexed on finding that the bonga, now absent more than a month, had not returned; the delay was most unaccountable and caused me serious apprehension of disaster. I was enabled to procure a small supply of rice, some dried fish, and some dried manaties'* flesh, and having a little flour left, one of my men made it up into a substantial sort of shortcake. With this supply of sea-stores, and having obtained a complete series of astronomical observations, I, on the morning of the 7th, left Sucio and began the survey of the Atrato.

By reference to my bench-mark, made here in December last, I observe that the river is 6 feet lower than it was December 17, and, as a Spaniard residing at Sucio informed me that the river was frequently above the levee and within 2 feet of the level of my mark, the result is a range of 12 feet to the waters, as my mark was at a level of 8 feet above the river December 17. This great range of the waters would be an important element in any basis of canal operations.

My survey of the Atrato is based on a carefully-measured line at Sucio, from which I commenced a triangulation by boats, rapidly sketching the topography, making soundings, and such other observations as were necessary. In this duty I was assisted by Mr. George B. Griffin, a young gentleman of great energy of character and of very promising abilities.

In descending the Atrato at this very low stage of its waters, I observed the same features of change as already alluded to in the Truando.

The banks of the stream are, in many places, nearly perpendicular. I frequently had depths of 35 and 40 feet within five yards of the shore; the levees below Sucio for many miles had, in February, an average elevation of 6 feet above the river; but, in consequence of being deprived at

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* *Manatus Americanus* (for Manatidæ)—which, however, was very acceptable to us who had been so long without bread.

this time by the very low stage of the river of the sustaining pressure of the water and such cohesiveness as is imparted by humidity, the very pliable soil is constantly crumbling and breaking away; trees, too, are thus brought down, and, as they are full of sap, they sink and form numerous snags. I, in many instances, saw trees standing perfectly upright in water 60 feet deep; the force of the current had swept them off in falling until the roots, becoming imbedded in the muddy bottom, had securely anchored the snag.

At the short bends of the river the channel is comparatively narrow, as the frequency of snags must force vessels of draught to keep the mid channel, and the water deepens gradually from the salient shore of the bends.

On the evening of the 13th of February, the seventh day after leaving Sucio, I had carried my survey 40 miles down the river and had no signs yet of the long expected bonga, which I had from day to day looked for in vain, and now feared was lost. Our supper this evening consisted of a quarter of a pound of salt beef with two ounces of cheese to each man. I had three men lying sick in my boat, one of whom was at times delirious. I was still 20 miles from the gulf, and, to make matters more uncomfortable, the evening commenced with rain. With my crew crippled by sickness, the necessity for providing for the suffering men, and the want of nourishing food, I decided to postpone for the present the further prosecution of the survey, and therefore continued down the river until midnight, and the next morning, having transferred all of my little party to the whaleboat, I crossed over the Gulf of Darien and arrived at the village of Pisisi at 2 p. m.

I was most hospitably and kindly received at Pisisi, at the house of Mr. Charles Dran, merchant of Carthagena, who is engaged in the caoutchouc trade, and whose operations are extended throughout the Atrato valley, the tree which produces this gum (the *Siphonea elastica*) being very abundant on all the streams. Mr. Dran himself was absent, but his agent placed the house at our disposal, prepared a room for the sick, and manifested the strongest desire to make my party comfortable.

I found here a letter from Mr. Bradford, who, feeling anxious as to the non-appearance of the bonga, had sailed in search of the missing boat.

Remaining at Pisisi a few days to recruit my boats' crews, I managed to collect such supplies of food as the place afforded, and succeeded in having a supply of good bread made; and having also hired some negroes to take the places of my sick men, I left the place on the evening of the 21st, to return to the Atrato, but had scarcely got out of the little bay before meeting the long absent bonga. On investigating the cause of delay I ascertained that the native crew had been religiously observing some festivals all the way down the coast; stopping at every place where any frolicking could be done. I promptly discharged the offending patron, and, having the next day landed and stored the provisions, dispatched the bonga to Sucio to bring down Lieutenant Michler and the leveling parties, and, crossing over to the Atrato, resumed my survey there.

I have before observed that when I went up the Atrato in December the levees were submerged for about thirty miles above the Bocas, and even now, in February, with the waters at an unusually low stage, I found no dry places within fifteen miles of the outlets.

Continuing my survey of the river and its deltas with but little intermission, I completed the work on the 14th March. During this last month

I had visited the Varina once, reaching her on the 3d March, Lieutenant Michler arriving in the latter part of the same day in the Bonga.

My examination of the valley of the Atrato leads me to venture the theory that it was originally a portion of the Gulf of Darien, which, by the gradual process of ages, has been filling up with the débris from the adjacent mountains. In this I am sustained, first, by the extraordinary depth of the river, which has not sufficient force of current to have cut for itself a channel of such a depth (it in some places exceeding 100 feet); the alluvial character of the soil, too, as anywhere exhibited, indicates comparatively recent origin; again, the waters of the Gulf of Darien are without current, except such as is imparted by the constantly outpouring Atrato, which, being fresh, is only on the surface, and this gulf receives annually a vast quantity of matter contributed by the hard winds and westerly currents of the Caribbean Sea, which are perpetually wafting organic substances towards the Gulf of Darien. To me it appears to be a very natural and simple theory that through these two opposing agencies the valley of the Atrato has been for ages the depository of mountain detritus and ocean drift.

The northerly winds blow quite fresh throughout the winter months, and, opposed by the current from the river, cause a rough sea across the entire gulf. The disturbing effects thus produced were constantly visible to us, and the changes are of daily occurrence.

On the numerous logs and snags which are strown over the flats outlying the mouths of the river the deposition rapidly forms islets on which vegetation soon takes, and I have more than once seen some of these islets rooted up from their anchorage and swept off into the gulf.

The same changes may be observed about the mouths of the Mississippi, which are almost identical in character with those of the Atrato, and the utter failure thus far of all attempts to improve the bars of the Mississippi suggests to the mind that engineering science has not devised a method by which channels of even a very moderate depth may be cut in the more difficult regions of the Atrato.

PART II.—In this second part of my report I shall proceed, sir, to give an estimate of the amount of work and time required in the construction of a ship-canal connecting the waters of the Pacific Ocean with the Gulf of Darien, via the Atrato, Truando, and Nuquah Rivers.

It has been proposed that an open cut, or a canal without locks, be made from the Atrato River to the Pacific; said canal to be 30 feet deep and fulfilling all the requirements of commerce.

Having given most careful consideration as to the necessary width of a ship canal which shall in every way fulfill the conditions required, I am of the opinion that the bottom width of said canal should not be less than 100 feet, which will be barely sufficient for giving surface width enough to allow two first-class vessels to pass each other at the lowest rate of speed. One of them, indeed, must lie against the bank while the other passes. (Ocean steamers are from 65 feet to 80 feet "over all.")

But as I am directed to make an estimate of the excavation required for a canal of 100 feet in width at the water-surface without its cost, I will give such estimates, although such work would be contrary to the laws of nature.

A canal dug in the most favorable condition of soil requires that its banks shall have a side slope of 2 feet base to 1 foot rise, or an inclination requiring 2 feet sectional width for a vertical rise of 1 foot, and, although the soil of the morass to be traversed by this interoceanic canal is far from being such as will admit of a rise so rapid, I propose, in the

following estimates, to adopt that slope, in order to place the subject on the most tangible footing.

With the foregoing requirements, I pass to the consideration of the amount of earth and rock excavation from the mouth of the Truando to the Pacific.

To facilitate these calculations, and also to place the matter before you in the most intelligible manner, I will divide the route as follows:

Division 1. From the Atrato to the foot of the Rapids of the Truando; distance 38 miles, rise 17½ feet; earth and mud excavation.

Division 2. From the foot of the Rapids to their head; distance 4 miles, rise 25 feet; rock cutting.

Division 3. From the head of the Rapids to the mouth of the Hingador River; distance 10 miles, rise 3 feet; earth and mud excavation.

Division 4. From the mouth of the Hingador River to the Totumia, through the depression in the Cordilleras; distance 10 miles; average depth of cutting 180 feet; rock cutting.

Division 5. Through the Totumia to the sea (tide-water); distance 3 miles; rock and earth.

ESTIMATES.

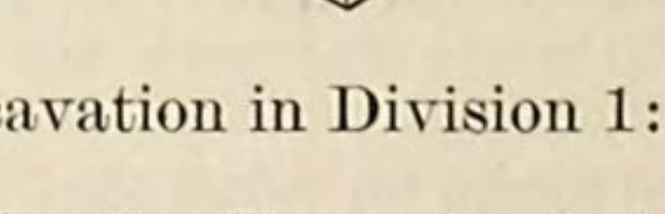
Division 1.—*Thirty-eight miles in length.*

A canal 30 feet in depth, being an open cut, will, at the Atrato, be 30 feet deep; at the upper end of division, 47½ feet deep. A side slope of 2 to 1 mile give a surface width, at lower end of division, 120 feet; at upper end, 188 feet.

Material to be removed, earth and logs:

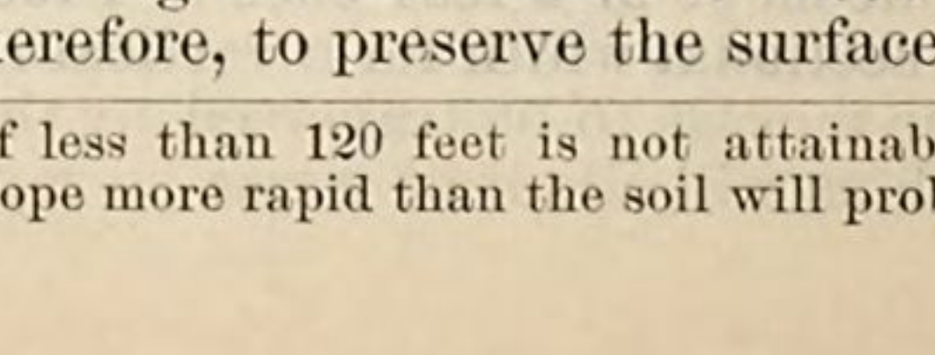
CROSS-SECTION, LOWER END.

Area 1,800 square feet, 200 square yards.



CROSS-SECTION, UPPER END.

Area 44,650 square feet, 496 square yards.



Cubical contents of excavation in Division 1: Cubic yards, 13,242,240.

Division 2.—*Four miles in length.*

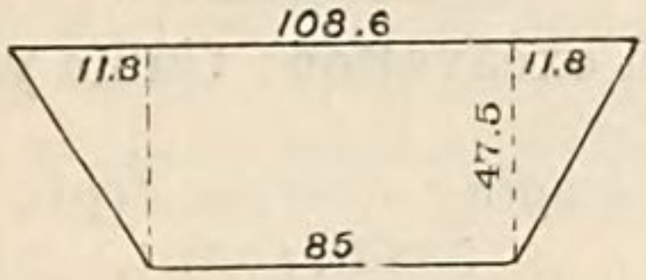
Cutting 47½ feet deep at lower end; 72½ feet deep at upper end; material, basaltic rock. In rock cutting we require, of course, very little slope, and in the following the calculation is based on a slope of 1 to 4 nearly. In order, therefore, to preserve the surface width of 100 feet, I

* A width at surface of less than 120 feet is not attainable, and I have already stated that I assume a slope more rapid than the soil will probably bear.

will, in the deep cuts, assume a bottom width of 85 feet, which, with the slope indicated, give a water level width of 99 feet. It must be remembered that in the rock we must have more room at the bottom, to avoid all risk of injury to the sides and copper of vessels from contact with the rock.

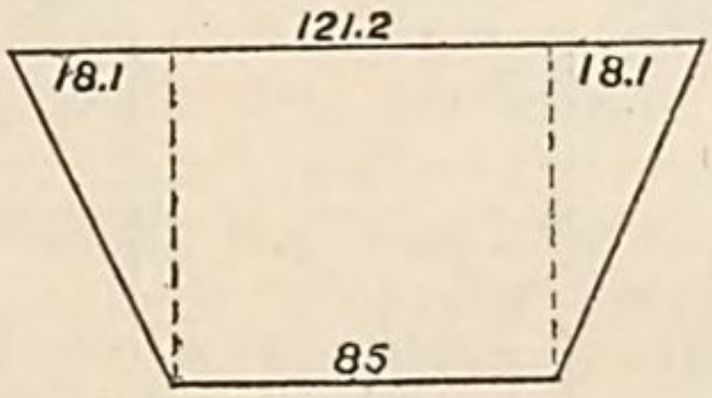
DIVISION 2.—CROSS-SECTION, LOWER END.

Area 4,598 square feet, 510 square yards.



CROSS-SECTION, UPPER END.

Area 7,474.7 square feet, 830.5 square yards.



Cubic contents of rock cutting in Second Division: Cubic yards, 4,721,728.

Division 3.—Ten miles in length.

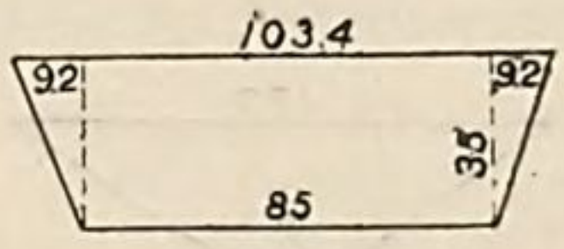
Cutting at lower end, 72½ feet deep; at upper end, 75½ feet deep.

The substratum of this excavation, say one-half, estimated as rock upper stratum, earth and mud.

The base of the earth cutting to be 10 feet wider on each side than the top of the rock cutting.

CROSS-SECTION OF ROCK CUTTING.

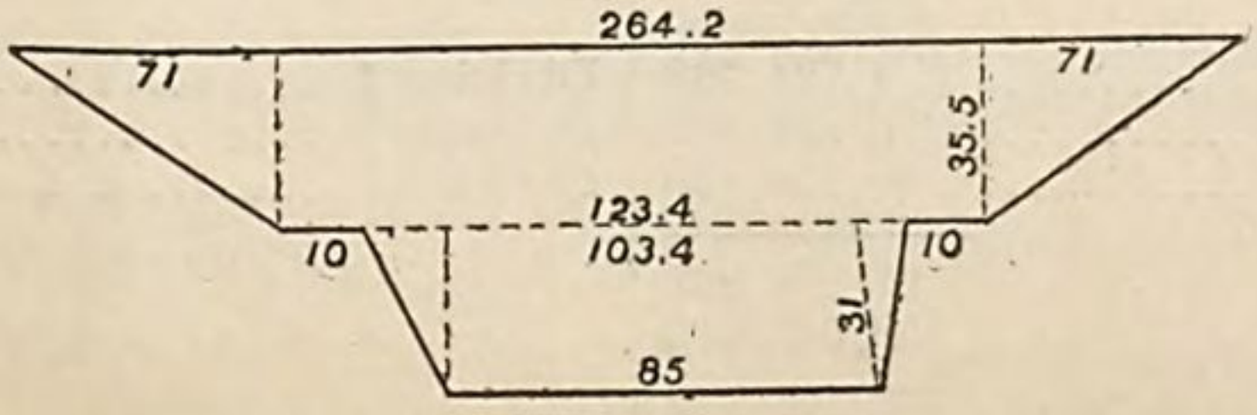
Area 3,485 square feet, 387 square yards.



Cubical contents of rock cutting: Cubic yards, 6,816,480.

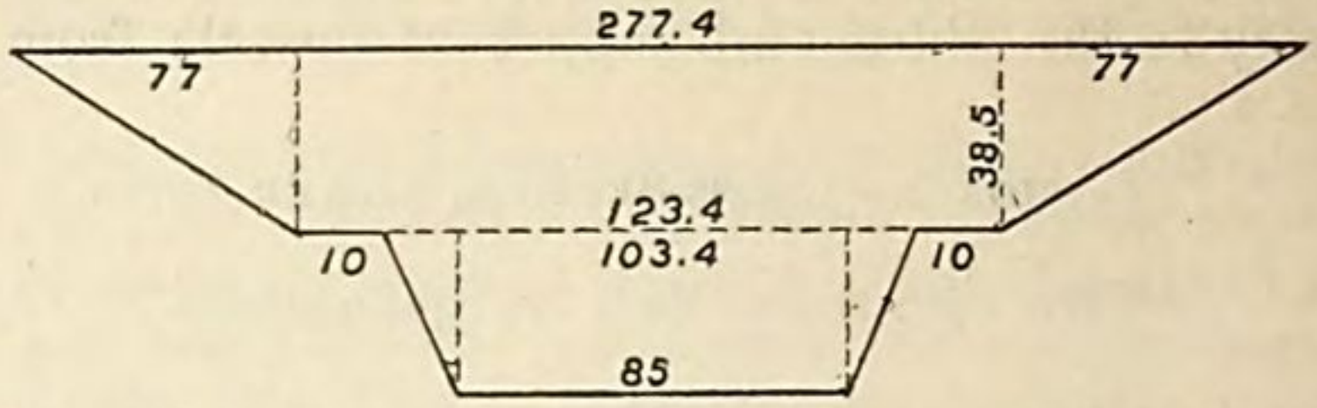
CROSS-SECTION OF LOWER END.

Area 6,901.2 square feet, 766.6 square yards.



CROSS-SECTION OF UPPER END.

Area 7,715.4 square feet, 857.2 square yards.

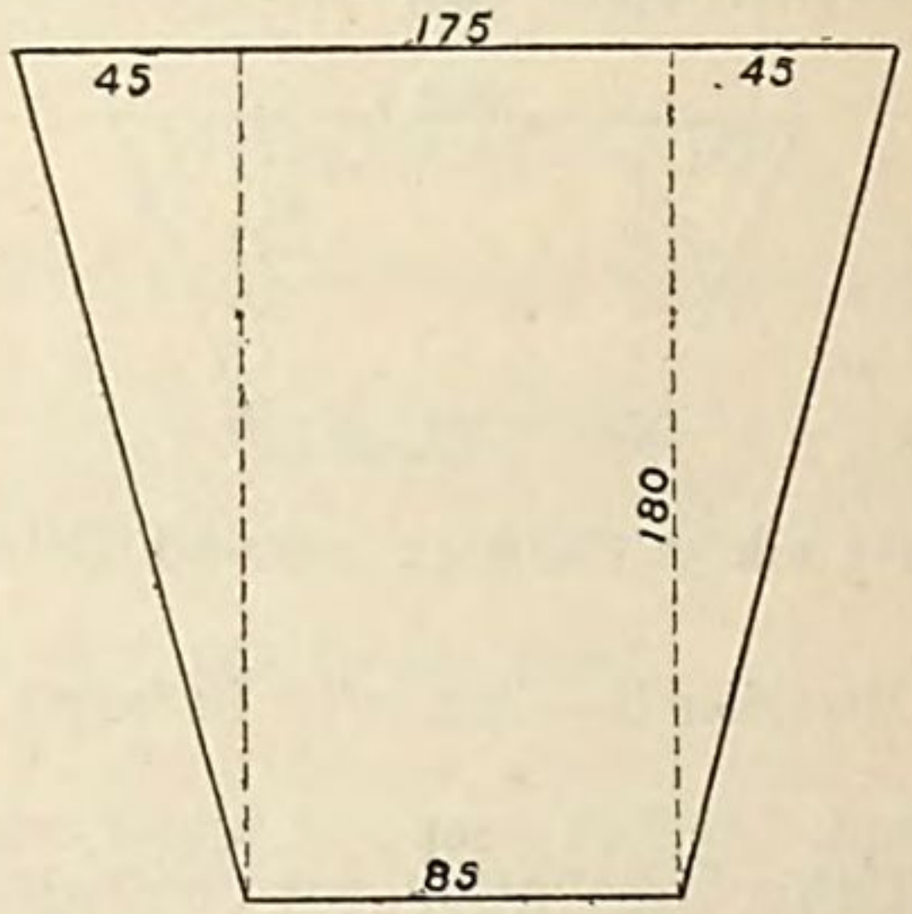


Cubic contents of earth excavation: Cubic yards, 14,289,440.

Division 4.—Ten miles in length; average depth of cutting, 180 *feet; material, rock.*

CROSS-SECTION OF CUT.

Area 23,400 square feet, 2,600 square yards.

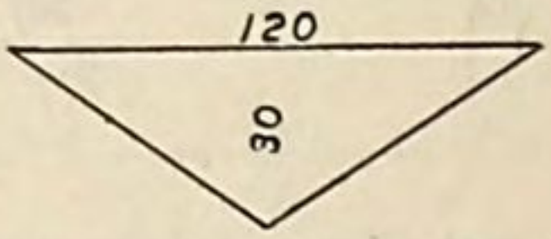


Cubical contents of rock excavation in Fourth Division: Cubic yards, 45,760,000.

Division 5.—Three miles in length; average depth of cut, 30 *feet deep to tide-water; earth and rock.*

CROSS-SECTION OF CUT.

Area 1,800 square feet, 200 square yards.



Cubic contents of earth and rock in Fifth Division: Cubic yards, 1,056,000.

RECAPITULATION.

Rock excavation.	Cubic yards.	*Earth and mud.*	Cubic yards.
Division 2	4,721,728	Division 1	13,242,240
Division 3	6,816,480	Division 3	14,289,440
Division 4	45,760,000	Division 5	1,056,000
	57,298,208		28,587,680
	28,587,680		
Total	85,885,888		

Very reasonable doubts must arise as to the utility of a ship-canal of only 100 feet in water-surface width. Independent of the impossibility of vessels passing each other is the important consideration of wear, there being so little space afforded for the transit of even moderately-sized steamers that the agitation of the waters must inevitably cause great damage to the banks and require the constant use of the dredging machine. No durability whatever can be expected in a canal so narrow without walling up its banks; the soil is such as to afford no stability for piles.

In a pecuniary point of view, the saving would not be commensurate with the sacrifice of width, as the more confined space for work will increase proportionally the cost of removing the material in the rocky portion of the route.

In order to permit vessels to pass each other, basins must be provided at proper and frequent intervals, say at distances of 3 miles apart. This would require twenty basins, which should not be less than 400 feet long, or an aggregate of 8,000 feet in length of basins, which may be roughly estimated at 1,701,216 cubic yards of additional excavation.

It must be understood that the canal projected will be about 65 miles in length. Allowing that vessels may traverse it at a rate of speed not exceeding 4 miles per hour (which will be the maximum speed allowable, and, indeed, too high a rate for works so insecure), sixteen hours will be required in making the transit from the Pacific to the waters of the Atrato, without taking into consideration the delays caused to such as are obliged to lie in the basins while others are passing. This delay would constitute most serious objections to the transit of a canal so narrow.

But the brief time given me for the discussion of this reduced canal forbids my enlarging upon the many objections which suggest themselves to my mind.

The body of my report explains already the manner in which my survey was made. The distances given by me from the foot of the Palos Caïdos to the mouth of the Hingador are geographical, based on carefully established points, as named in the appendix. I give the distance by the general course of the stream, regardless of its numerous sinuosities, and nearly as a canal would be traced out. All other distances were carefully measured.

BREAKWATER AND JETTIES FOR ARTIFICIAL HARBOR ON THE PACIFIC TERMINUS OF THE CANAL.

In estimating the cost and length of time required in the construction of this essential part of the work, I shall be guided by the work already referred to in Plymouth Sound, though that is by no means a fair criterion of this work, as the structure made by the British Government was carried on under every advantage of available science and with conveniences not attainable on the Pacific coast.

* * * * * * *

Cost excluded, it will be found in my report opening an entrance into the Atrato from the Gulf of Darien.

I must confess myself utterly at a loss as to the framing of an idea as to the method by which this essential portion of the work can be accomplished.

Three miles of dredging are required, to the depth of 30 feet, through a soil of the softest kind of ooze.

When I consider that the best ability of our country has, as yet, failed to discover a means of deepening the bars of the Mississippi, it

appears to me as hardly worth while to discuss a problem which has so long puzzled our most ingenious and scientific men.

But it will hardly do for me to pass the subject without some notice, and I can not do better than in quoting high authority. Mr. John C. Trautwine, an eminent civil engineer, was sent to the Atrato, in 1852, to examine into the possibility of constructing a canal for vessels of 6 feet draft. Mr. Trautwine's explorations were not in the same region which was traversed by me last winter, but his observations regarding the mouths of the river are perfectly applicable to the question.

In speaking of the principal outlets of the river, Mr. Trautwine says:

> Any attempt to improve either of these mouths, so as to be at all times available for vessels of but 6 feet draft, would not only be attended with great expense, but would, in my opinion, involve the utmost hazard of failure. I have no hesitation in admitting that I am unacquainted with any scheme that can be recommended for the permanent accomplishment of that purpose. I shall, therefore, not occupy time in discussing the various expedients that might be supposed applicable. All attempts of the kind, under similar circumstances, have proved signal failures; and the resources of engineering science afford no aid in cases of such magnitude as would be involved in this case.*

The impossibility of improving the bars being acknowledged, it has been suggested that a new cut might be made, connecting Cañon Uraba with the gulf at a point near the Boca Pishindi; but, to my view, this project is attended with quite as much difficulty as that of improving the bars. It must be remembered that this entire region is submerged throughout the year (it was so even during the unprecedentedly dry season which it was my good fortune to experience while surveying the river), and the almost superhuman efforts required in operations under such circumstances have well nigh baffled the skill of capable engineers, in far more genial climates, when working on a very small scale.

Before entering into an estimate of the cost of the proposed canal, it is proper that I should state what degree of dependence may be placed on my estimates of quantities; I have before observed that I arrived at the fall of the river Truando by a hydraulic calculation, based on the velocity of its current; the fall at the rapids, I estimated from a careful examination of each of the leaps; the profile of the depression of the Cordilleras, I approximately obtained by clinometer.

These observations were made for my own satisfaction, and I did not expect to be obliged to use them in this way; I do not, therefore, give them as anything more than rough approximations, probably within the truth.

My estimates are not so clear and precise as they would have been if I had been permitted to avail myself of the notes of level made under the supervision of Lieutenant Michler, to whom that portion of the work had been confided by me, but over whom I have not been able, since my return, to exercise that control which appertained to me as chief of the expedition, he belonging to a different branch of the United States service.

I hoped and desired that a line of verification level should have been run, being an important element in the estimates; but as, at his request, I had placed the whole of that portion of the work under Lieutenant Michler, I, when too late, discovered that he got along so slowly that a verification line was out of the question.

It is my opinion that there is a lower pass through the mountains than the one examined by the parties under my command; and from the be-

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* In Rough Notes of an Exploration for an Inter-oceanic Canal-route, by the way of the Rivers Atrato and San Juan, in New Granada, South America, by John C. Trautwine, civil engineer, published in Journal of Franklin Institute, 1854.

ginning of the expedition it was my intention to have searched for any such pass; but, for the reasons above stated, it was not in my power to have more thorough work done.

The discussion of cost is here omitted; it will be found in my report of January 11, 1859, with the comparative cost of similar works.

In framing these estimates, I have had the valuable aid and advice of two eminent civil engineers of New York, A. W. Craven, chief engineer Croton Aqueduct, and George S. Green, engineer Croton Aqueduct, neither of which gentlemen consider the total estimated cost as sufficiently high by at least 30 per cent.

With regard to the time necessary for the construction of a work of the proposed magnitude, we must take into consideration the climate, which is of the most unhealthy in the world, and, as a consequence, disease and death would rapidly and constantly cripple the laboring force.

From the best information I could gather along that line of route, the dry season commences early in December and continues till the latter part of March, during which period rains are not more frequent than in this latitude.

When I state the working period at 75 days of the year (no work is practicable during the rainy season), I am confident that those familiar with that region will admit it as a very liberal allowance.

Mr. Trautwine, in considering the difficulties of laboring in that climate, assumes that "one man could, in a good working day, under all the disadvantages of swamp miasma and burning tropical sun, excavate and remove, in wheelbarrows, three cubic yards of the marsh mud." If this be a fair estimate, it would require a daily laboring and effective force of 20,000 men for twenty-one years to excavate the canal, provided they could work for 75 days of the year.

I shall once more quote Mr. Trautwine, and then close this report. He says:

> The entire year may be regarded, practically, as one continued rainy season; on this account it is impossible to assign any limit to the period that would be required for the excavation of the work, or to even an approximate idea of its cost.
>
> Numberless secondary inconveniences, attendant in this source, will suggest themselves to an experienced engineer, especially those of sickness and the impassable condition of the soil for vehicles employed in transporting stone, timber, &c., for construction.

Mr. Trautwine's observations were with a view to the practicability of a canal with locks, a work requiring about one-half the quantity of excavation necessary in an open cut, as in the former case the removed material goes toward the formation of embankment, while in the latter the excavation must be made at once to the lowest level.

It may not be considered my province to enter into any calculation as to the many contingent expenses in the prosecution of a canal, provided it could be made. For instance, the work would necessarily be carried down to a depth of 30 feet below the lowest stage of the Atrato.* I have shown that that river has a range of 12 feet, and, consequently, its frequently rising waters would constantly be rushing through the canal with a velocity highly destructive to its banks; and, again, it would be necessary to raise a substantial embankment along the sides of the canal to prevent its being encroached upon by the inundations of the surrounding country.

At the Pacific terminus, too, my observations during the four days I was there made the rise and fall of tide 7½ feet, the tides being then

* By hydraulic calculation, I make the water level at Sucio 15 feet 9 inches above the level of the sea in February.

at their minimum range; and this, it appears, would render it necessary to have a lock at that end, for the ebb and flow of the tide of 7½ feet would be felt for about two miles up the canal, causing a rapid current at half-tide; and without a lock the sands would constantly silt up and choke the outlet. But all of these considerations are of secondary importance, though very correctly entering into the estimates of the work, for the wear and tear is as much an element of annual expense as the interest on the outlay (omitted).

* * * * * * *

With the enormous sum as the interest on the proposed works, we must take into consideration the trade of the entire civilized world with the Pacific Ocean, not including whalers, which would not use the canal.

I am not informed sufficiently in the matter, not having at hand the statistical tables; but the precise number may easily be ascertained. If we assume that there be so many as fifteen vessels daily passing to and from the Pacific Ocean, and all were to pass the canal (which would not be the case), what amount of toll should be levied to make it a paying investment?

Three very material elements of the expense of laboring in the Atrato region I must not omit to put before you.

First. That region is wholly uninhabited, if we except the village of Sucio, consisting of about a dozen families, and the village of Totumia, where there are twelve houses and huts of negroes. The Indians whom I met have no fixed place of abode and scarcely remain a week in one place; they consist only of a few roaming families and are poor and thriftless.

Second. There is scarcely any arable land throughout the entire region; none at all until reaching the Nuquah, on which stream the Indians have availed themselves of every acre of productive land and have small patches of plantains, wherever they can be made to grow; and the present condition of that cultivation may be estimated from the fact that I had great difficulty in procuring of them one thousand matured plantains.

The plantain is an annual plant, producing fruit but once; or, I believe, it would be more correctly stated as a perennial root. The tree or shrub is cut down when the fruit is matured; springing up again, it produces its fruit the following year. Twenty-five hundred plantain trees may be grown upon an acre of ground, and I did not see that many trees throughout the route.

It is possible that higher up the Nuquah Valley there may be, among the mountains, more arable land, or in greater proportion, than exists in that portion of the country seen by me, but, under any circumstances, it will be seen that the country there can yield no adequate supplies for a tenth part of the force which would be required in any canal operations.

Third. Throughout the Truando Valley no beasts of burden can be used. There is no foothold for them in the boggy soil, and no pasturage of any description; consequently all labor must be performed by men, who must depend on supplies brought from a great distance; and the laborers themselves must be imported into the country; and what disposition could be made of these men during the rainy season, is a question of grave consideration.

Having thus carefully and in detail examined the matter, sir, in all of its bearings, I present to you the above arguments in support of the opinions formed and conclusions arrived at, as expressed in my preliminary report of May 18, 1858, and say, unhesitatingly, that the proposed canal is, to all intents and purposes, an impracticability, even with the reduced and modified works as above given in pursuance of the resolution of the Senate.

I subjoin an appendix, giving a list and description of the maps herewith furnished, and a synopsis of the amount of work done by myself or under my immediate supervision.

Copies of my field-notes will be furnished you at the earliest day practicable.

I am, very respectfully, your obedient servant,

T. AUGS. CRAVEN,
Lieut. U. S. Navy, late commanding Atrato Expedition.

Hon. ISAAC TOUCEY,
Secretary of the Navy.

APPENDIX.

SIR: I have the honor to submit to you the following summary of the results of work done by me during the recent expedition to the Isthmus of Darien.

Geographical positions determined, 9, as follows:

Camp.	Latitude.	Longitude.
	° ′ ″	° ′ ″
Toucey	7 09 57 N.	77 07 16.20 W.
Floyd	7 09 06 N.	77 09 15.00 W.
Bache	7 11 02 N.	77 10 24.00 W.
Abert	7 07 41 N.	77 12 57.60 W.
Totten	7 05 23 N.	77 19 40.80 W.
Maury	7 00 00 N.	77 22 42.15 W.
Nuquah	7 06 49 N.	77 29 45.90 W.
Totumia	7 03 03 N.	77 44 49.45 W.
Sucio	7 26 10 N.	77 02 25.65 W.
South base, on the Gulf	8 07 30 N.	76 45 56.00 W.

The longitudes are by chronometer of well ascertained error and rate, and the results given are from 575 observations.

The latitudes are from meridian altitudes of the sun and the following stars, viz: *a* Persei Capella, *a* Ursæ Majoris, *β*. Aurigae, Campus Sirius, Achernar, and *a* Crucis.

The topographical work done is as follows:

Base lines measured	5
Stations occupied	937
Angles measured	1,039
Shore-line sketches, counting only one-shore rivers (miles)	237
Observations for May, declination	35

HYDROGRAPHY.

Angles measured	1,500
Soundings taken	24,255
Tide stations occupied	2

List of charts herewith furnished.

A. General map exhibiting the route followed by the party, scale	$\frac{1}{200000}$
B. Map of Bahia Ensurada, scale	$\frac{1}{10000}$
C. Section of the Atrato, scale	$\frac{1}{20000}$
D. Section of the Atrato, scale	$\frac{1}{20000}$
E. Section of the Atrato, scale	$\frac{1}{20000}$
F. Section of the Atrato and a portion of the Lon, scale	$\frac{1}{20000}$
G. Deltas of the Atrato, scale	$\frac{1}{20000}$
H. Gulf of Darien, scale	$\frac{1}{20000}$
K. Two sections of the Truando, scale	$\frac{1}{20000}$

I am, respectfully, your obedient servant,

T. AUGS. CRAVEN,
Lieut. U. S. Navy, late commanding Atrato Expedition.

Hon. ISAAC TOUCEY,
Secretary of the Navy, Washington.

46TH CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { EX. DOC. No. 64.

MOBILE BAY.

LETTER

FROM

THE SECRETARY OF WAR,

TRANSMITTING

A report upon the survey of the harbor of Mobile.

IN THE SENATE OF THE UNITED STATES,
March 17, 1880.

Ordered, that the letter of the Secretary of War, in reference to Mobile Bay, be transmitted to the House of Representatives for its consideration.

Attest:

JNO. C. BURCH,
Secretary.

IN THE HOUSE OF REPRESENTATIVES.

MARCH 22, 1880.—Referred to the Committee on Commerce and ordered to be printed.

WAR DEPARTMENT,
Washington City, March 13, 1880.

The Secretary of War has the honor to transmit to the United States Senate a letter from the Chief of Engineers, dated the 11th instant, and accompanying copy of report of Capt. A. N. Damrell, Corps of Engineers, upon a survey of Mobile Harbor, Alabama, made in compliance with the provisions of the river and harbor act of June 18, 1878.

ALEX. RAMSEY,
Secretary of War.

The PRESIDENT
of the United States Senate.

OFFICE OF THE CHIEF OF ENGINEERS,
UNITED STATES ARMY,
Washington, D. C., March 11, 1880.

SIR: I have the honor to submit herewith a copy of a report to this office from Capt A. N. Damrell, Corps of Engineers, of the results of a survey of Mobile Harbor, Alabama, with a view to its further improvement, to comply with provisions of the river and harbor act of June 18, 1878, making appropriation for tests, surveys, and borings to ascertain the practicability of deepening the ship channel leading from the lower anchorage to 22 feet or to any less depth above 13 feet.

A preliminary report submitted in January, 1879, will be found in Senate Ex. Doc. No. 38, Forty-fifth Congress, third session.

Very respectfully, your obedient servant,

H. G. WRIGHT,
Chief of Engineers, Brigadier and Brevet Major General.

Hon. ALEXANDER RAMSEY,
Secretary of War.

SURVEY OF MOBILE HARBOR, ALABAMA, WITH REGARD TO ITS FURTHER IMPROVEMENT.

The act approved June 18, 1878, directed the amount appropriated, $10,000, to be applied to making tests, surveys, and borings to determine whether the ship channel now leading from the lower anchorage in Mobile Bay can be deepened so as to admit vessels drawing 22 feet, or any less draught above 13 feet, to the wharves of the city of Mobile.

Preparatory work was commenced, under this act, on the 12th of July, 1878, and the field-work on the 15th of August. A preliminary report was made on the 7th of January, 1879, which is contained in Senate Ex. Doc. No. 38, Forty-fifth Congress, third session. The work was terminated on the 1st of September, 1879, and the final report commenced.

During this time, in addition to the labor of collecting outfit and organizing, soundings were made from a point in Mobile River opposite Beauregard street, near the upper limit of the city of Mobile, down the river, and through the channel dredged under Congressional appropriations from 1871 to 1877; also throughout Garrow's Bend (just below Choctaw Point) and down the western shore of the bay to Alabama Port (the nearest point on the mainland to deep water); thence to the 18-foot curve in the lower anchorage; across the upper end of the bay, across the lower end or entrance, and at various other points.

Borings were made, at intervals of 2,000 feet, from a point in Mobile River opposite Government street, near the center of the city front, down the present channel, beyond "Dog River" Bar, and from there, at intervals of a mile, about, to the 18-foot curve at the lower anchorage, a distance (total) of about 27 miles. Other borings were made along the western shore. All of them were made to a depth of 26 feet. A line of levels was run from Cedar Point (the extreme southern point of the western mainland) up to the Mobile and Montgomery Railroad bridge, across Mobile River (above the city), a distance of about 46 miles.

Triangulation was carried over the entrance of Mobile Bay, including Coffee, Dixie, Sand, and Pelican islands, east end of Dauphin Island, and Mobile Point, over that portion of the bay included between the

eastern and western shores, the obstructions on the south, and the mouths of the Mobile, Tensas, Spanish, Apalachee, and Blakeley rivers on the north, and throughout the whole length of the Mobile River.

Cross-sections and current observations were taken of all the above rivers, and of all their important tributaries, inlets, and outlets, where practicable.

Samples of water were obtained at various times, localities, an depths, in rivers and bay, and tested for sediment.

The usual office-work, plotting notes, arrangements and study of data, consumed the remainder of the time.

The results obtained from the work are as follows:

The tide-gauge observations indicated a total average rise and fall of 3 feet in the bay; that the tidal current tends towards the eastern shore, the river discharge being principally carried along the western shore. (As further evidence of this, the eastern shore is comparatively free from, while the western is covered with, accumulations of drift from the rivers.)

At the cut-off in the Alabama River, about 70 miles above the head of the bay, tidal observations indicated a rise of 0.77 foot.

The soundings showed that the old dredged channel has maintained the depth obtained in 1877, and that there is now a good channel of 13 feet depth way through.

The following is a list of vessels drawing 13 feet and over, that arrived at and departed from Mobile during ten months, without meeting any difficulty in the cut, with the high tides for the corresponding dates, as indicated by the tide gauges, the average mean low-tide reading being 7′ 2″:

Date.	Name of vessel.	Draft.	Average high tide.
1878.		*Feet. In.*	*Feet. In.*
Sept. 15	Schooner Mary J. Cook	13 0	7 00
18	Ship Kate Davenport	13 6	7 30
22	Schooner Normanda	13 6	8 40
Oct. 6	Brig Emily T. Sheldon	13 0	8 20
16	Ship Ludwing Heyen	13 0	8 30
26	Bark Alfred	13 0	7 90
Nov. 10	Bark Henry Norwell	13 0	7 65
15	Brig John D. Tupper	13 0	7 75
19	Bark Jens Brandi	13 0	7 45
25	Bark Prim	13 0	6 85
Dec. 9	Schooner Annie S. Conment	13 0	8 30
23	Bark Christiana	13 0	6 70
1879.			
Jan. 7	Brig Afton	13 0	6 10
27	Brig Gemma	13 0	7 55
Feb. 3	Brig Detmar	13 0	7 30
4	Brig Meta	13 0	7 35
5	Bark Eidsiva	13 0	7 50
8	Schooner Annas	13 0	6 50
10	Bark Yruchulo	13 0	7 35
16	Bark Ephraim Williams	13 0	8 00
25	Bark Welaka	13 0	8 05
Mar. 9	Bark Medlor	13 0	7 30
13	Schooner L. P. Whitmore	13 0	8 30
22	Bark Zeulima	13 6	8 40
23	Bark Crescent	13 0	7 30
May 9	Schooner Rennie Carleton	13 6	8 30
11	Bark Hans Thies	13 0	8 00
June 4	Brig Pacific	13 0	8 10
4	Schooner Geo. W. Tochenow	14 0	8 10

The banks of the cut were also found generally unchanged.

The water in Mobile River, below Beauregard street, has about the same depth for navigable purposes as in 1871, except at its mouth, where

the depth appears to be increasing on the east bank, at Pinto Point, and decreasing on the west bank, at Choctaw Point, outside of the dredged channel, however. In Garrow's Bend the water is shoaling rapidly in toward the shore, probably caused by the jetties constructed by State authority there in 1872. Generally speaking, no material changes were found in the body of the bay. The borings everywhere indicated about the same condition of the bottom for the same depths. Sand mixed with mud and shells to a depth of about 14 feet, and below this to the depth of 26 feet, the extent of the borings, a stiff tenacious clay, hard on top and softer below. The same formation was found on the bluff banks of the western shore, the clay being from 12 to 15 feet from the surface or about the water level. The line of levels indicated a fall of only 0.75 of a foot in 46 miles.

The principal features shown by the triangulation is the extensive changes that have taken place since 1856, the date of the last Coast Survey chart; 1st, at the entrance of the bay in the formation of the two islands, "Coffee" and "Dixie," to the east of Sand Island, and on the opposite side of the main ship-channel, the change in form and extent of Sand Island, the large diminution in area of Pelican Island, the washing away of the northerly beaches of Dauphin Island and Mobile Point, and the deposit on the corresponding south beaches.

2d. At the head of the bay in the extension of the river mouths and their bars to the southward. The cross-sections and current observations indicate an aggregate discharge of over 100,000 cubic feet per second by the rivers into the bay.

The sediment observations give 100 grains of sediment to the cubic foot of water as the average amount in the rivers, and decomposed vegetable matter as the principal component.

Before stating the conclusions arrived at, or opinion formed, I would state, it was not considered the intent of Congress to restrict the survey to a study of only a single project, although that idea might seem to be conveyed by the wording of the act, and, therefore, all were considered which had at different times been suggested (so far as I could learn) or occurred to me, for the relief of the commerce of this port, as follows:

I. Making a harbor on the south of Dauphin Island and connecting it with Mobile by rail.

II. Making a harbor on the north side of Dauphin Island with railroad connection.

III. Making a harbor at Alabama Port with same connections.

IV. Making a canal inland from Mobile to Alabama Port.

V. Damming all but one river, improving that one, and directing its discharge into the bay with the expectation of its scouring its way to deep water.

VI. Using the tidal current for scouring a channel by training its flow between the entrance and upper end of the bay between parallel walls.

VII. Dredging a channel through the bay, following the line of deepest water, and carrying the dredged material to a safe distance.

VIII. Dredging and scouring a channel through the bay by damming all but one outlet, contracted to a proper width, and training the flow between artificial parallel banks to deep water or tidal channel, and dredging out or stirring up all material that would not scour.

The first four projects are not believed to be desirable by themselves (although the last should, and probably will at some future time, be carried out by private enterprise, and would be of great importance in connection with the work recommended), and this was considered so apparent

on account of the evident cost, direct and indirect, in necessary construction and depreciation of values in the present city, that they are passed over with mere mention.

The fifth project would not, in my opinion, prove successful. The sixth, I think, could be carried out to a successful conclusion, but the cost would be very great.

The seventh project is a continuation of the one that has been persistently followed since 1827, by which the water has been deepened from a minimum depth in Choctaw Pass of 5 feet 6 inches, and on Dog River Bar of 8 to 13 feet throughout. The success of this plan so far proves the sagacity of the various engineers who have advocated it, and I can see no good reason why it cannot be carried still farther, in obtaining still greater depths, and be equally successful.

The eighth project is a combination of the two principal ones which have been continually agitated since 1827.

Each one has had many strong and able believers, who have asserted the superiority of one or the other method, verbally or in print.

The great objection urged, heretofore, against the dredging system has been, that a cut made in the middle of a large shoal bay, receiving annually from its tributaries immense quantities of sediment, and traversed by a complicated system of river and tidal currents, due to winds, tides, and river discharges, would rapidly fill up. This argument has been disproved by the facts to the present time.

The principal objections to the scouring system, or combined scouring and dredging, has been the great cost of training the flow of river water through the bay a sufficient distance to accomplish the desired result, the perishable nature of such training walls, if built of such materials as could be obtained at a reasonable expenditure, and the probable formation of a bar at the ends of the dikes or jetties.

As the scouring power of the large volume of water daily discharged by the various rivers into Mobile Bay seemed generally to be recognized by all engineers who have written or expressed opinions in the matter, a portion of the time consumed in the survey was devoted, and a great deal of study given, to ascertain if there was any way to utilize this force that would be free from the objections mentioned, with results as follows:

The river water can be all emptied into Mobile Bay through one mouth of proper cross-section at Choctaw Point, either by damming all outlets but Mobile River, at their heads or at their mouths, at a comparatively small cost. Thence through the bay parallel walls would have to be constructed to near a point where the tidal current sweeping by their ends would be strong enough to prevent the formation of a bar. There is such a point, and, therefore, the last objection has no weight. To reduce the force of the others, it is suggested they might be built of brush and piles, of which there is an unlimited supply, of easy access, along the whole length of the western shore below Dog River Point, to be covered first with material excavated from the bottom with a dredge-boat, and afterwards in the more exposed parts with stone ballast from vessels arriving, or from quarries up the river, and that the channel be carried so near the western shore that but one strong dike need be built of the full extent; the length of the other being materially reduced by the portion of the western shore which might be utilized, and the cost of such as had to be built reduced to a minimum, by the fact that as it would not be exposed to rough water a simple inexpensive construction would answer.

The amount that would be removed by scour, and the amount that would

have to be dredged after the construction of the training walls, I am not prepared to answer, although I am clearly of the opinion that the matter is worthy of consideration, and even of experiments, if necessary, before undertaking the further improvement of Mobile Bay. As the character of the improvement and the amount that can be profitably expended on it depends upon the commerce, present and prospective, that is to be provided for, such reliable information as I have been able to obtain is here given as to the former and facts and opinions regarding the latter. The work is situated in the collection district of Mobile, and Mobile is the port of entry. Its commercial statistics, as furnished by the collector of customs for the last fiscal year, is as follows:

	Vessels.	Tonnage.
Coastwise arrivals	86	15,981
Coastwise clearances	51	15,073
American vessels entered	82	26,609
Foreign vessels entered	58	36,933
American vessels cleared	64	21,029
Foreign vessels cleared	49	30,888

Domestic exports.

American vessels	$2,438,793
Foreign vessels	3,781,025
Total	6,219,818

The Mobile Cotton Exchange in its annual statement, dated September 1, 1879, gives a clearer idea of the business of the port, and from it is condensed the table given below:

Cotton receipts 1878, 1879, *at Mobile.*

	Bales.
Alabama River	41,506
Bigbee River	61,741
Warrior River	26,488
Mobile and Ohio Railroad	138,874
Mobile and Montgomery Railroad	91,977
Wagon	1,822
Total	362,408

Coffee Importations, 1879.—Eight cargoes.....29,725 bags.

Naval Stores—Receipts and values—1878, 1879.

	Barrels.	Values.
Rosin	143,509	$265,492
Turpentine	21,118	232,298
Tar	250	750
Pitch	2,500	6,000

Lumber, timber, coal, &c.—1878, 1879.

Lumber, feet,	11,011,545
Staves	120,052
Shingles	3,682,550
Hewn timber, cubic feet	245,507
Sawed timber, cubic feet,	65,519
Pennsylvania and English coal, tons,	3,352
Alabama coal, tons,	3,015
Fish and oysters, value	$127,900
Vegetables, shipments in 1878, 1879, value of	$168,778
Salt, sacks imported	50,520
Wool, pounds received	500,000

In this connection perhaps should be mentioned the existence of three cotton and woolen mills in Mobile and vicinity, as showing a fair commencement in an important manufacturing industry, and the organization of a steamship company for the purpose of establishing a line of

steamships to ply between Mobile and Liverpool. The first steamer for this line is already under construction.

The country tributary to Mobile should include, it would seem, the whole Mobile or Alabama River basin, including the greater part of Alabama and a portion of Mississippi and Georgia, to say nothing of possible extension by an enterprising use of railroads already built and commenced, and canals already surveyed for.

The Alabama basin contains approximately 33,000 square miles. The annual average rainfall is given by the signal service records as 4½ feet, making over the whole basin about 28 cubic miles of water. This mass of water, after meeting with the usual losses from evaporation, &c., flows through the Oostenaula and Etowah, Coosa, and Tallapoosa, Little Tombigbee, Sipsey, and Black Warrior, Tombigbee, and Alabama, and other minor streams into the Mobile, which carries all the water in a single stream for about 5 miles, with an average width of 1,050 feet and depth of $39\frac{8}{10}$ feet; it then divides and subdivides, finally discharging into Mobile Bay an aggregate of about 100,000 cubic feet per second, through five mouths, the Blakeley, Appalachee, Tensas, Spanish, and Mobile forming a delta containing about 250 square miles, 186 of which (about) is heavily timbered, the balance being marshy.

The river discharge then passes through Mobile Bay, which has an area of about 375 square miles, and finally reaches the open Gulf through three outlets, the main one between Sand Island and Dixie and Coffee, the others being between Coffee and Dixie and Mobile Point, and between Dauphin Island and Sand Island. There is still another outlet into Mississippi Sound, between Dauphin Island and Cedar Point.

The rivers mentioned draining this basin are all navigable, or susceptible of improvement, so as to be made navigable, a total length of over 1,500 miles, reaching and passing through a country which has a capacity for producing over 1,000,000 bales of cotton; supplies of coal and iron that will compare favorably in character and extent with those of any other section of this country; building material, as granite, marble, gneiss, limestone (and various other mineral elements of wealth), and lumber. All these are accessible to water transportation by the river routes previously referred to, and when the improvements already in progress are completed coal should be delivered in Mobile at a cost of $2 per ton, and the other articles at sufficiently low rates to allow of successful competition with any other port on the Gulf of Mexico.

In fact, though the Mobile Basin is insignificant when compared with that of the Mississippi, it is so merely on account of its inferior size, and I question whether there is any continuous area of the Mississippi Valley, of the same extent, that has been so bountifully supplied by the Almighty with the elements of wealth and progress. It is, in my opinion, to be as important a factor in the future of the country as any continuous 1,500 miles of the Mississippi River or its navigable tributaries, with the adjacent country.

The cost of all the improvements required to develop the resources of this basin, it is believed, will be considerably less than that expended by Pennsylvania in water routes from the mines to Philadelphia.

Mobile, a city at present of about 40,000 inhabitants, is situated at the junction of the river system with Mobile Bay, on the west bank, only 27 miles from a good channel of least depth of 22 feet, and only 36 miles from the deep water in the open gulf.

Its growth has been continuous, though spasmodic, since its settlement on the present site in 1711.

It has a railroad system already completed, giving competitive routes with the rivers to the lumber, cotton, coal, and iron.

With the present commerce therefore as a basis, and the resources and transportation referred to and a deep channel to the sea, there is more than an ordinary probability that the commerce of the port would in a few years be increased at least 100,000 bales of cotton, 1,000,000 tons of coal, 10,000,000 cubic feet of lumber (lumber is now being towed, and transported by rail from Mobile Bay to Pensacola for shipment).

In view of the large commerce present and prospective, and the fact that the development of the lumber trade depends for its greatest success upon as deep a channel as possible, I think no project should be adopted looking to a less depth than 21 feet at mean low tide, which at presents exists on the outer bar.

The particular method of improvement should, in my opinion, be, as already suggested, either by dredging a channel of sufficient depth and width from the river to the anchorage, following the line of deepest water and carrying the dredged material to a distance, or to confine the entire river discharge to a single channel through the bay, to a point where the tidal current sweeping in and out of Mobile Bay is sufficiently strong to carry away any sediment brought down by the river current, and dredging out any material that might not be removed by the scouring power of the water.

In this connection it should be borne in mind that the amount of tidal water which passes from the Gulf into the bay, and back into the Gulf, every twenty-four hours with the ebb and flow of the tide is more than twice as great as that discharged by the rivers, and that the outlet is so contracted that a very deep channel has been formed.

The former has the success of previous work done in the bay in its favor, but the disadvantage of being a narrow channel, in the middle of a wide bay, exposed to cross winds and currents, making its navigation difficult at times, and rendering it possible that large expenditures might be required at some future time to remove deposits that might take place.

The latter would have the apparent advantage of turning 24 miles of bay into river navigation—allowing rafts of lumber, or barges of coal, iron, or any such product, to proceed to the lower end, and meet sailing vessels at Alabama Port, within 15 miles of the open Gulf, to which point they could sail—of positive permanency when once fully accomplished, and possibly of greater economy in the end, if the construction of the necessary dams, dikes, and shore jetties will cause the current to do most of the work of excavation.

A reasonable supposition, I think, as a glance at the map shows that the river has built its own banks, and scoured out between down a distance of over 40 miles of delta, and is now opening its way in the same manner down the bay at an average rate for the past 13 years of over 100 feet per annum, through 5 outlets, using its sediment to build banks for each, which in turn confine the water to produce the scour.

If, however, the river water would not scour with the rapidity or to the extent desirable, the fact remains that still the amount to be dredged would be much less than double the amount required in the other case, whereas the cost should not exceed one-half as much per cubic yard, for the following reasons: On the deep-water line, near the middle of the day, the material dredged would have to be carried by tugs and scows an average distance of over three miles, for deposit, to prevent its washing back in the cut. On the western shore line, with the dikes, &c., the material would be deposited by the dredges immediately on them or

alongside the channel. Again, in the former case, a great deal of time would be lost and damage sustained either by being compelled to suspend work on account of, or by attempting to work in, rough water, whereas, in the other case, the dredge would be working under the protection of the western shore, on one side, and the dike on the other, or in comparatively smooth water. There is a question also whether a channel in shore, protected by banks on both sides 100 feet wide would not be better than one 200 feet wide in the middle of the bay without such protection, with a clear reach of 6 miles (average) open water on the sides, to produce rough water and cross currents, and length of 27 miles.

The estimated cost of the work by the first system is as follows:

For a channel with a width of 200 feet and depth of 17 feet:	
Dredging, 4,100,000 cubic yards, at 20 cents per cubic yard	$820,000 00
For a channel of the same width (not considered sufficient however), and 22 feet deep:	
Dredging 9,900,000 cubic yards, at 20 cents per cubic yard	1,980,000 00

The estimated cost of the other system is as follows:

For a dam across the Apalachee River	$15,000 00
For a training-wall from lower end of east bank of Tensas River to lower bay, 28 miles, at $23,812	666,736 00
Dredging a channel 100 feet wide, 21 feet deep, 24 miles long, 7,509,312 cubic yards, at 15 cents	1,126,396 80
Additional spur-dikes and jetties, 5 miles long, at $10,000	50,000 00
Total	1,858,132 80
Contingencies and superintendence, 10 per cent	185,813 28
Grand total	2,043,946 08

An experiment might possibly be made at a reasonable cost at one of the river mouths, that would determine approximately the amount of scour for a given time that might be expected, on which the success or failure of the combined scouring and dredging system depends. In conclusion, I would recommend that the subject be referred to the Board of Engineers for harbor and river improvements for their consideration.

There is forwarded herewith—

I. A map of the delta of Mobile River and Bay, of which the parts previously referred to are from the survey made, the rest being a compilation from the best authorities.

II. A map showing work previously accomplished and present condition of channel dredged under former appropriations, and location of proposed improvements for securing a deeper channel.

Skeleton map of Mobile Basin, cross-sections of the various rivers, and tables of current and sediment observations.

Respectfully submitted.

A. N. DAMRELL,
Captain of Engineers.

46TH CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { EX. DOC. No. 65.

SURVEY OF MOBILE HARBOR.

LETTER

FROM

THE SECRETARY OF WAR,

TRANSMITTING,

In obedience to law, a copy of the report of Capt. A. N. Damrell upon a survey of Mobile Harbor, Alabama.

IN THE SENATE OF THE UNITED STATES,
March 19, 1880.

The Vice-President laid before the Senate a letter of the Secretary of War transmitting, in connection with the report of Capt. A. N. Damrell, Corps of Engineers, upon the survey of the harbor of Mobile, Ala., transmitted on the 13th instant, a communication of the Chief of Engineers, covering copy of a report with accompanying map from the Board of Engineers for river and harbor improvement, to which the report of Captain Damrell was referred for consideration.

Ordered, That it be transmitted to the House of Representatives.

Attest:

JNO. C. BURCH,
Secretary.

IN THE HOUSE OF REPRESENTATIVES.

MARCH 22, 1880.—Referred to the Committee on Commerce and ordered to be printed.

WAR DEPARTMENT,
Washington City, March 18, 1880.

The Secretary of War has the honor to transmit to the United States Senate, in connection with the report of Capt. A. N. Damrell, Corps of Engineers, upon the survey of the harbor of Mobile, Alabama, transmitted on the 13th instant, a communication of the Chief of Engineers, of yesterday's date [March 16], covering copy of report with accompanying map from the Board of Engineers for river and harbor improvement, to which the report of Captain Damrell was referred for consideration.

The project presented in the report of the Board is approved by this department.

ALEX. RAMSEY,
Secretary of War.

The PRESIDENT
of the United States Senate.

OFFICE OF THE CHIEF OF ENGINEERS,
UNITED STATES ARMY,
Washington, D. C., March 16, 1880.

SIR: Referring to my letter of the 11th instant, submitting copy of report of Capt. A. N. Damrell, Corps of Engineers, on the survey of the harbor of Mobile, Ala., with a view to its further improvement, provided for in the river and harbor act of June 18, 1878, and, in connection therewith, I beg leave now to submit a copy of report, with accompanying map, from the Board of Engineers for river and harbor improvement, to which the report of Captain Damrell was referred for consideration.

As the appropriation of $100,000 made by the river and harbor act of March 3, 1879, limited the depth of channel to be secured to 17 feet, the views of the Board were also requested upon the proper application of this sum.

It will be perceived that the Board recommends that if 17 feet depth will satisfy the shipping interests of the port, this depth be attained by dredging the present channel. At the same time it presents an approximate estimate of the cost of securing a channel of 22 feet depth, from the lower anchorage of Mobile Bay to Garrow's Bend and to the wharves of the city of Mobile.

I beg leave, therefore, to advise that the application of the appropriation of March 3, 1879, to the 17-foot channel recommended by the Board, be authorized by you, as the channel of that depth is understood to be concurred in by the business interests of Mobile as satisfying the present shipping needs of that port.

I would further suggest that the report of the Board be transmitted to the House of Representatives for the information of the Committee on Commerce in connection with the report of Captain Damrell above referred to.

Very respectfully, your obedient servant,

H. G. WRIGHT,
Chief of Engineers, Brig. and Bvt. Maj. Gen.

Hon. ALEXANDER RAMSEY,
Secretary of War.

REPORT OF BOARD OF ENGINEERS.

OFFICE OF BOARD OF ENGINEERS FOR FORTIFICATIONS
AND FOR RIVER AND HARBOR IMPROVEMENT,
Army Building, New York, February 28, 1880.

GENERAL: The river and harbor act of June 18, 1878, appropriated $10,000 to be applied "to making tests, surveys, and borings to determine whether the ship channel now leading from the lower anchorage in Mobile Bay can be deepened so as to admit vessels drawing 22 feet, or any less draught, above 13 feet, to the wharves of the city of Mobile.

This duty devolved upon Capt. A. N. Damrell, Corps of Engineers, in charge of the improvement of Mobile Harbor and Bay. His preliminary report thereon, made in January, 1879, was followed in October by a full report, with plans and estimates for obtaining a channel of 17 feet, and of 22 feet depth from the fleet anchorage through the bay into Mobile River. These have been sent to this Board by your letter of November 13, 1879, for consideration and report.

The following brief description of the locality in question and notice

of the works of improvement connected therewith, as already executed, seem essential to a clear understanding of the problem under consideration. The river Mobile, at the delta formation, has several outlets, two of which, the Tensas and Spanish, unite to pour their waters in one mass into the bay in close vicinity to the mouth of the third outlet, called Mobile River, on which lies the city of Mobile. Along the wharf-front of this city the river depth varies (at high-water) from about 19½ to 22 feet, this latter also being the depth over the outer, or sea bar. Lower down at the bend, near Choctaw Point, the depth is rather greater. Just outside of the mouth of this outlet there has always existed a sand bar, known as Choctaw Bar. Dog River Bar is about 3 miles from the rivers' mouths, and seems to be formed by sedimentary deposition of the fine material brought down by all the branches of the stream. From this bar the bottom of the bay slopes down to the 13-foot curve for a distance of about 6 miles, and thence has a plateau formation of about 15 miles extent, reaching to within 3 miles of the fleet anchorage.

From the most reliable testimony that can be obtained Dog River Bar has not shoaled, nor has the bay, during the past 50 years. No accurate maps of a sufficiently early date exist to establish this point indisputably. The greatest depth of water on Choctaw Bar in 1828–'29 (by verbal testimony) was 5½ feet. During that period it was dredged to give a channel-way of 8 feet, and in 1838–'39 was again deepened to 10 feet, but having been left undisturbed for the succeeding 21 years the bar re-formed so as to give a depth of 7½ feet only in 1860. The excavation to the same depth on Dog River Bar, made in 1854, gave no indication of filling. It thus appears that while Dog River Bar, so called, and the bed of the bay shoal, if at all, so slowly as to be unnoticeable, the excavated channel through Choctaw Bar refilled at an average rate of about 1½ inches a year. In view of the above facts the Board of Engineers that in 1872 considered this question of deepening the channel of approach to the city of Mobile did not think that a permanent improvement, in the strict sense of the term, could be reached. It was their opinion that any channel excavated through Choctaw Bar would require dredging from time to time to keep it open to the depth needed. They nevertheless recommended the trial of dredging to obtain a depth of 13 feet through Choctaw Bar and Dog River Bar southward in the bay to the 13-foot curve. That recommendation has been effectively carried out, the depth of 13 feet being attained during the year 1877. By the testimony of Captain Damrell, who has had charge of this improvement since April, 1873 (see his report of October 14, 1879), there was no evidence of filling either in the channel excavated through Choctaw Bar or in that in the bay beyond the obstructions up to that date—that is, for a period of about two years succeeding the completion of the dredging. It was our opinion, however, that sufficient time has not elapsed to test this question.

The thorough survey of the bay, harbor, and river Mobile by this officer was made under the act before mentioned with a view to obtaining data for further projects of improvement of the channel to the city. After a full study of the results of the survey, aided by an experience of more than 10 years in this locality, Captain Damrell now presents, among several projects mentioned, two with plans and estimates which meet his approval. His preference is evidently given to the second. They are as follows:

First. To dredge "a channel of sufficient depth and width from the river to the anchorage, following the line of deepest water and carrying the dredged material to a distance;" Second, "to confine the entire river

discharge to a single channel through the bay to a point where the tidal current sweeping in and out of Mobile Bay is sufficiently strong to carry away any sediment brought down by the river current and dredging out any material that might not be removed by the scouring power of the water. In this connection it should be borne in mind that the amount of tidal water which passes from the Gulf into the bay and back into the Gulf every 24 hours with the ebb and flow of the tide is more than twice as great as that discharged by the rivers, and that the outlet is so contracted that a very deep channel has been formed.

"The former has the success of previous work done in the bay in its favor, but the disadvantage of being a narrow channel in the middle of a wide bay, exposed to cross-winds and currents, making its navigation difficult at times, and rendering it possible that large expenditures might be required at some future time to remove deposits that might take place.

"The latter would have the apparent advantage of turning 24 miles of bay into river navigation, * * * of positive permanency when once fully accomplished, and possibly of greater economy in the end, if the construction of the necessary dams, dikes, and shore jetties will cause the current to do most of the work of excavation."

His estimates for these projects are:

1st. Dredging channel, 200 feet wide:	
17 feet deep	$820,000
22 feet deep	1,980,000

Our views as to these projects are given in the following brief statement:

If the question were simply to obtain a passage-way to Mobile of but 17 feet depth, we would recommend the deepening the present channel by dredging, the process by which 13 feet has already been reached. The first cost of this method would be, as above stated, about $820,000.

Any other process, to be effective, would involve, besides more or less dredging, the long training wall or walls from the river mouths down the bay to the deep anchorage, with an expenditure probably in excess of $2,000,000, together with the cost of protection against overflow in the vicinity of Mobile and above, due to lengthening the river by transferring its mouth to the fleet anchorage, thus changing its normal slope and backing the water up stream. This point will be more fully set forth in our notice of Captain Damrell's second project.

It is true that a dredged channel cannot be regarded as quite permanent. The causes that formed Choctaw and Dog River bars must still exist. It seems certain, therefore, that small appropriations will be needed from time to time to keep open any channel through Choctaw Bar formed by dredging. But the saving in the original outlay will probably more than compensate for the occasional expenditures.

The question, however, of procuring 22 feet depth of channel by the process of dredging is quite a different one. It will involve an expenditure of about $2,000,000 with a channel 200 feet wide, and $3,000,000 if the width be 300 feet, which width is thought to be necessary for easy navigation for a length of 25 miles in the open bay of Mobile. A project so costly in its execution should not be entered upon without a reasonable promise of permanent results. Now, although past experience, if reports are entirely accurate, indicates that the channel over Dog River Bar did not fill perceptibly from 1854 to 1860, when deepened about 2 feet, and that it has not filled measurably during the past three years, although excavated to an additional depth of 3 feet, we do not think there is sufficient evidence to prove that if the channel be further

deepened to 22 feet and lengthened to reach the lower anchorage, it will be entirely permanent. Indeed, we anticipated that the same process that formed Dog River Bar will in time, though by a slow process, re-form it where excavated. There can be little doubt that there is some deposit in the bay of light material brought down by the river, and that this channel must get its portion of that deposit. Our experience in reference to Choctaw Bar runs through a much longer period, and proves beyond doubt a tendency to refill any shallow excavation through it. We cannot, therefore, hope to maintain a channel 22 feet deep over this bar without dredging from time to time. The river along the city front does not maintain that depth; much less must we expect it at the mouth, where the waters are checked by dispersion.

As already stated, prior to 1860 the indications were definite that the mouth of the Mobile branch, when deepened, filled again at the rate of 1½ inches a year. Captain Damrell states that he discovered no filling for two years preceding his recent survey. It may be that the soundings were not made with that extreme of accuracy that would note a change of 2 or 3 inches. At any rate, if it does not fill, the conditions must be changed. Now, we know that since 1860 pile obstructions on the east have been driven and still exist in such position as to concentrate the united waters of Tensas and Spanish River outlets toward the Mobile outlet, and that this last has been narrowed by similar obstructions, reaching well up towards Choctaw Point. To these obstructions the present greater permanence of depth in Choctaw Pass, if it exist, may be due. But the conditions of the delta are constantly changing, and the mouths are advancing at the rate of about 100 feet a year. If the channel is stable now it may not remain so many years. We are, therefore, forced to the conclusion that the dredging project does not insure that permanency of channel-way which so costly a work ought to secure.

The second project of Captain Damrell extends the eastern bank of the Tensas branch artificially by dikes in a southwesterly direction across the outlets of the Spanish and Mobile branches, and thence in a southerly course to the vicinity of Alabama Port, thus collecting all the waters of the rivers flowing into the bay in one stream between this artificial bank and the western shore, and literally extending Mobile River to the lower anchorage. If the project were feasible it would not be easy to count its cost or foresee the difficulties in the way of its execution. It would create an almost insuperable barrier to navigation until completed, for the reason that the construction should progress from the mouth of the Tensas southward in order to make the river currents do the work of excavation. In what manner this artificial bank should be made and of what material formed to enable it to endure the wash of the waves on the bay side and the rush of waters on the river side could only be determined experimentally. Its construction, however, would doubtless require to be more solid than the method of the plan submitted. If, to avoid the impediment to navigation, the river outlets into the bay be left open until the east bank of this new channel be built from the vicinity of Choctaw Point to the lower bay, this great disadvantage would result, that the immense mass of material excavated from the bed of this river extension by the current would all be transferred to its outlet, with the chance of forming a bar there and of filling Grant's Pass. In fact it is a transference of the delta of the Mobile River from the head of the bay down to the islands. A very radical change in the conditions that exist at the port of Mobile.

Now the average river discharge is estimated by Captain Damrell

to be about 100,000 cubic feet per second, and the discharge from the bay with the falling tides per day twice that amount. By these outflowing waters as well as the inflowing tides the sea bar is maintained at a depth of 22 feet. As the river silt is mostly deposited at the head of the bay, which is advanced thereby at the rate of about 100 feet per year, the exterior or sea bar gets little or no accession therefrom. The conditions, therefore, beyond the entrance-way at Mobile Point are favorable, and it would not be well to inaugurate changes that might disturb them, for it is easier to procure deep water through the inner bar than it would be through the outer or sea bar, should that commence to shoal by virtue of the transference of the river deposit from the head of the bay to the sea.

A stronger objection to the project is the river extension itself of 24 miles below Mobile, which virtually overthrows its present regimen, changes its slope and surface-level at the city and above for many miles. Head to cause the flow from Mobile to the new mouth must be obtained by raising the banks east and west in the vicinity of the city and far above.

The numerical data at hand are not sufficient to decide definitely to what extent the elevation of the present water-surface must be carried; but to fix our ideas some approximate computations may be made.

If Captain Damrell's estimate as to the average volume of discharge be correct—viz, 100,000 cubic feet per second—it is safe to assume that the flood volume cannot be less than 200,000. His proposed new channel is 1,400 feet wide, and, admitting that a mean depth of 22 feet will be excavated, the new cross-section will be 30,800 feet, which would involve a mean velocity of 6.5 feet per second, and require a slope of 0.00034 or 1.8 feet per mile.

Now, a slope of 1.8 feet per mile would give a rise, going back from the mouth of the extended river to Mobile 24 miles, of 43.2 feet, and this rise would be needed to effect the discharge, provided the bed slope by deposition could maintain itself parallel to the surface. Should, however, the bottom of the river remain undisturbed at its present level, the discharge would be effected by raising the surface waters at Mobile 7.5 feet, the corresponding velocity being 4.82. As the wharves along the city front are but 3½ feet above ordinary high-water, and 1 foot above equinoctial tides, and overflowed during extraordinary gales, it is evident that the above conditions cannot be carried out. It is not necessary, however, that more water than the ordinary discharge, say, 100,000 cubic feet per second, should run down the prolonged river. The freshet water might escape over extended waste-weirs immediately into the head of the bay. In that case a rise at Mobile of 1.8 feet, provided the river-bed remains constant, will give the requisite velocity for the outflow. It cannot be expected, however, that the bed of the river will maintain its present level for a distance of 24 miles. It must gradually rise, and with it the surface, and therefore the banks. Now, as the city wharves are only 3½ feet above ordinary high-water and are occasionally overflowed, it seems conclusive that without building levees above and below Mobile and along its whole front the transfer of the river-mouth to the lower bay will inundate a part of the city frequently. The river extension proposed is, therefore, regarded by the Board as impracticable.

The Board now present two projects which are to a certain extent modifications of Captain Damrell's plan.

The first is to turn the waters of the Mobile branch down the west shore of the bay by extending its east bank to Alabama Port, or as far as may be found necessary, to cover a channel formed by dredging. The

second is to bring this channel into the Mobile branch by a cut across Choctaw Point to be closed by gates; or, avoiding the cost of this cut, to connect with the city by piers at Garrow's Bend, local interests determining the choice between these termini. Well covered as this channel will be against waves by its artificial bank, a width of 100 feet is deemed sufficient for the accommodation of the large vessels alone compelled to use it. This construction will in no wise interfere with navigation in the river or bay during its progress. The channel will have no current except the bay current, and will not, therefore, silt up; nor will the bank require any protection on the channel side. It can be formed principally from the material excavated to create the channel, consolidated by small trees, saplings, and brush, which grow abundantly along the shore. It seems probable that some stone will be required to assist in the solidification of this artificial bank. As the bay along the line of its location is quite shoal, varying from 3 to 9 feet, its construction need not be expensive, unless extended beyond Alabama Port, farther than is necessary to resist wave action. Any estimate, however, must be at best but approximate, as so much will depend upon the cost of securing its bank against abrasion, and of extending it into the deep water beyond Alabama Port, should such extension be found necessary.

Of these two projects thus summarily presented, the second, which terminates the channel at Garrow's Bend or extends it to the river by a cut through Choctaw Point, is, in the opinion of the Board, much preferable to the first.

Much expense will be saved by terminating the channel at Garrow's Bend; but there may be sufficient reasons for continuing it into Mobile River, so that vessels of a large class may ascend to the present city wharves. To prevent silt depositing within the cut, gates seem necessary; otherwise an open entrance would be preferred.

This project is exhibited in a general way on accompanying sketch (A.) Exactness of location and precise methods of construction both of the east bank of the channel and the gate structure are left to be determined hereafter, should the project be adopted.

There is a question connected with the maintenance of a deep channel excavation in Mobile Bay which can only be solved experimentally.

It seems that after passing through a crust of sand and stiff clay, at a depth of from 14 to 16 feet below the water surface, boring has revealed a layer of soft mud which continues to a depth of 30 feet, as far as the auger penetrated. The boring rod, $4\frac{1}{2}$ inches in diameter, went down of its own weight (247 pounds) $8\frac{1}{2}$ feet; thence, with weight increased to 517 pounds, it sank $5\frac{8}{10}$ feet, reaching a depth of about 30 feet below water-level. Hitherto the dredging has stopped in stiff clay at 13 feet depth. If it be carried 9 feet deeper through this soft clay or mud will the channel remain open, or will side pressure cause its gradual filling by lateral motion of this yielding material? As there will be no rapidly-flowing current to keep open this channel, once dredged in the bay, should it tend to fill by mud flowing in from either side, dredging a second time will be needed; in other words, the method will be a failure. It seems proper, therefore, as a preliminary step, that the experiment be made of dredging the present channel—say, on Dog River Bar—for a length of 100 yards and width of 100 feet, and to a depth of 22 feet below the surface of the water in the bay, and that the excavated portion be carefully sounded from time to time to ascertain its condition. Should the channel fill with mud, it would be a waste of money to attempt to attain a permanent water-way 22 feet deep. On the contrary, should there be no evidence of filling by side pressure, that objection to a dredged channel would come to nought.

The foregoing question being decided in the affirmative by trial, this Board is of the opinion that if the present and prospective commerce of Mobile demands a channel of 22 feet depth from the lower bay to the city, it should be obtained by dredging the west shore of the bay, to connect with Mobile either at Garrow's Bend or by a cut through Choctaw Point into the river. But if 17 feet depth will satisfy the shipping interests of this port, the Board recommends that it be attained by dredging the present channel.

APPROXIMATE ESTIMATE

for securing a channel 22 feet deep from lower anchorage of Mobile Bay to Garrow's Bend, on the supposition that the east bank for the protection of the channel is built in water of an average depth of 9 feet, and extended no farther south than Alabama Port. Side slopes of prism excavated are assumed at 1 upon 2. The average prism, therefore, to be dredged will measure:

	Feet.
Width at top	152
Width at bottom	100
Depth	13

	Cubic yards.
Excavation of channel from Choctaw Point to Alabama Port, 113,322 feet in length	6,874,868
Excavation from Alabama Port to deep water, 23,448 feet in length	604,507
Total excavation	7,478,375

3,437,434 cubic yards to be dumped alongside channel to form dike, at 15c	$515,615 10
3,437,434 cubic yards placed on upper portion of dike, at 20c	687,486 80
604,507 cubic yards beyond Alabama Port, at 20c	120,901 40
Cost of excavation of channel	1,324,003 30

To consolidate the dike formed of mud and sand dredged from the channel, some nucleus, as brush made into rafts or mattresses and covered over above water with stone ballast, or two rows of piles filled in with brush closely packed and covered over above the water-surface with ballast, will be needed. If stone ballast can be procured as cheaply in Mobile Bay as it can at the North, it is estimated that this nucleus can be built for about $10 per running foot.

113,322 running feet of central structure of dike, at $10	$1,133,220 00
Add cost of excavation	1,324,003 30
Total cost to Garrow's Bend	2,457,223 30
Extension to Mobile River	150,000 00

Should it be necessary to extend the dike beyond Alabama Port as a protection against cross-currents, the structure in deep water will be much more costly. We may, therefore, set down the probable cost of creating a channel along the western shore of Mobile Bay to the city, from the lower anchorage, to be 22 feet deep, 100 feet wide at bottom, and protected by a dike extended to Alabama Port, or as far as shall be found necessary, as between $2,500,000 and $3,000,000.

Respectfully submitted.

Z. B. TOWER,
Colonel of Engineers, Brevet Major-General.

JOHN NEWTON,
Colonel of Engineers, Brevet Major-General.

HENRY L. ABBOT,
Major of Engineers, Brevet Brigadier-General.

Brig. Gen. H. G. WRIGHT,
Chief of Engineers, U. S. A.

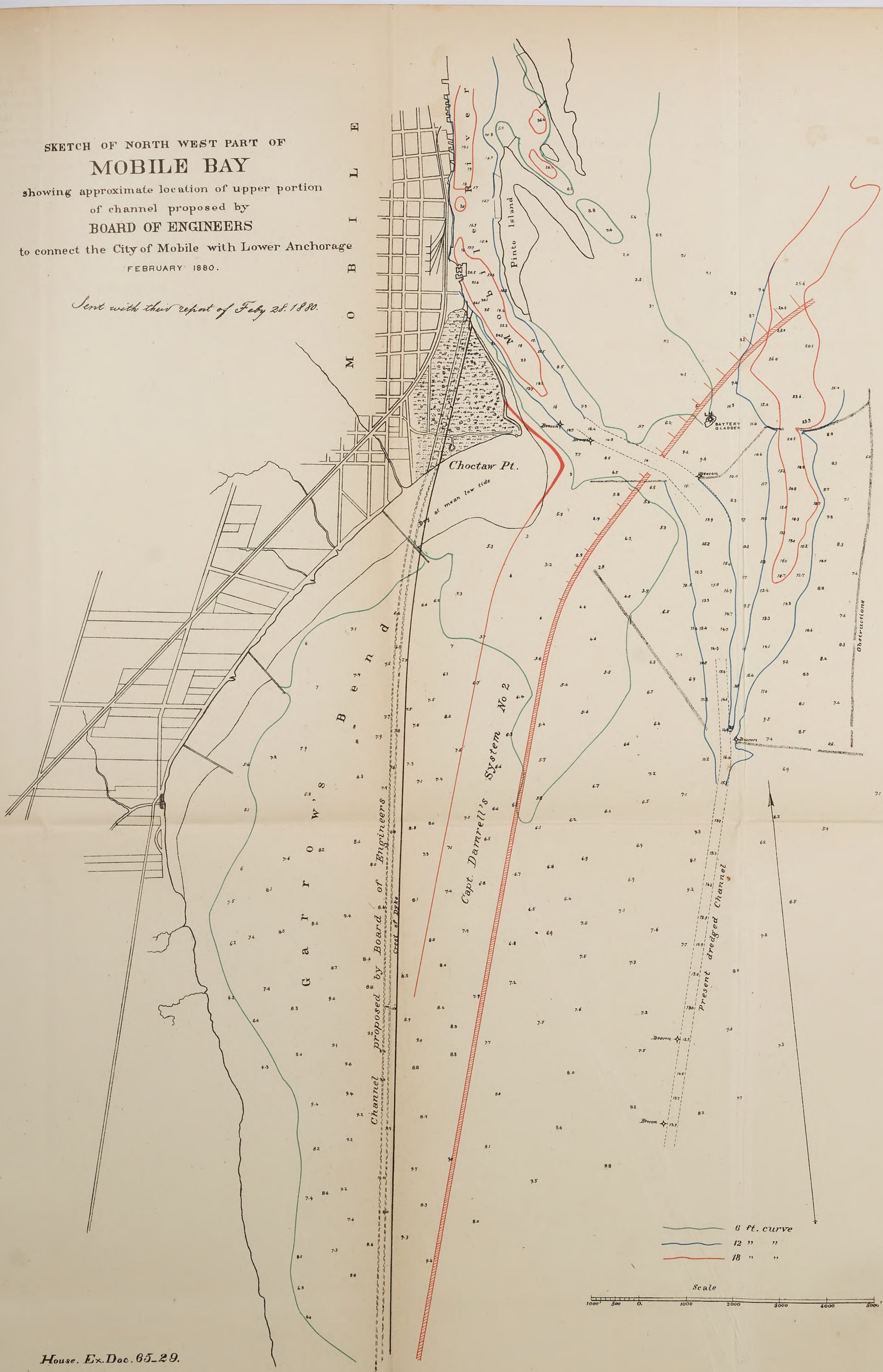
SKETCH OF NORTH WEST PART OF

MOBILE BAY

showing approximate location of upper portion
of channel proposed by
BOARD OF ENGINEERS
to connect the City of Mobile with Lower Anchorage

FEBRUARY 1880.

Sent with their report of Feby 28. 1880.



House. Ex. Doc. 65-29.

46TH CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { Ex. DOC. No. 67.

ROCK ISLAND RAPIDS.

LETTER

FROM

THE SECRETARY OF WAR,

IN RELATION TO

Widening the channel at Rock Island Rapids.

MARCH 26, 1880.—Referred to the Committee on Commerce and ordered to be printed.

WAR DEPARTMENT,
Washington City, March 25, 1880.

The Secretary of War has the honor to transmit to the House of Representatives, in accordance with the resolution of that body dated the 5th instant, calling for "certain maps and reports in reference to a proposed widening of the channel of the Rock Island Rapids of the Mississippi River, for the use of the Committee on Commerce and of the House," a letter from the Chief of Engineers, dated the 24th instant, covering copy of a report from Capt. A. Mackenzie, Corps of Engineers, and accompanying map, which are believed to contain the information desired.

ALEX. RAMSEY,
Secretary of War.

The SPEAKER
Of the House of Representatives.

OFFICE OF THE CHIEF OF ENGINEERS,
UNITED STATES ARMY,
Washington, D. C., March 24, 1880.

SIR: I have the honor to acknowledge the reference to this office, for report, of the resolution of the House of Representatives of the 5th instant, requesting the Secretary of War to "transmit to the House certain maps and reports in reference to a proposed widening of the channel of the Rock Island Rapids of the Mississippi River, for the use of the Committee on Commerce and of the House," and in reply thereto to submit the inclosed copy of a report from Capt. A. Mackenzie, Corps

of Engineers, dated March 15, 1880, which, with the accompanying map, will, it is believed, afford the desired information.

The res olution is herewith respectfully returned.

Very respectfully, your obedient servant,

H. G. WRIGHT,
Chief of Engineers, Brig. and Bvt. Maj. Gen.

Hon. ALEXANDER RAMSEY,
Secretary of War.

UNITED STATES ENGINEER OFFICE,
Rock Island, Ill., March 15, 1880.

GENERAL: I have the honor to acknowledge the receipt of a letter from your office, dated March 9, 1880, containing a resolution of the House of Representatives calling for certain maps and reports in reference to a proposed widening of the Rock Island Rapids.

The accompanying map, which shows the present 200-foot channel and the work required for increasing this width to 400 feet, was prepared last winter, but as yet no reports on the subject have been made. I would therefore submit the following:

The Rock Island or Upper Rapids of the Mississippi River extend from Le Claire, Iowa, to Rock Island, Ill., a distance of 14 miles. The river over this reach consists of a succession of deep pools separated by chains of rocks, through which the water, in the course of centuries, has cut irregular channels.

The fall from the head to the foot of the rapids is about 20 feet, giving a velocity of current of from 2 to 10 feet per second at the shoal places.

Previous to improvement the rapids could not be passed by the larger class of steamboats at a 2-foot stage, and at medium stages boats drawing from 3 to 4 feet could only pass on calm days and by using extreme caution.

Congress caused a survey and report on the improvement of the rapids to be made in 1866.

In 1867 the work of excavation was commenced, in accordance with the approved plan, which was to give a channel over the chains 200 feet in width, with a depth of 4 feet below low-water of 1864. From 1867 to 1879, inclusive, $1,150,650 were appropriated, for which sum about 90,000 cubic yards have been removed, virtually completing the above-mentioned plan.

The work already accomplished has greatly benefited navigation, but still certain difficulties are met with.

1. The channel is so crooked that it is not practicable in its present condition to provide a system of lights, and the navigation of the rapids is suspended during the night.

2. The width of 200 feet is not sufficient to admit of 2 boats with barges passing each other, so that either the ascending or descending boat must wait in one of the deep pools until the other has passed through a cut.

3. A fresh breeze, acting against the very long and high Mississippi steamers, endangers, and a strong wind prohibits, navigation through the narrow channels.

4. A large steamer ascending the rapids through the comparatively narrow 200-foot channels draws down the water to such an extent as to materially reduce the depth in the cuts, so that a 4-foot channel is not really available at all parts of the rapids during a low-water stage of the river.

The most available plan that can be suggested for overcoming these difficulties is, as shown on the accompanying map, to widen the present cuts, giving a new channel 400 feet in width. By this widening, the second and third difficulties would be done away with, the fourth would be greatly reduced, and by so straightening the channel as to obtain long reaches, lights could be established which would overcome the first difficulty.

To increase the width of the channel to 400 feet, giving a depth of 4½ feet below low-water, which will insure a grade as low as that of the present cut, will require the removal of 209,811 cubic yards of rock, and will cost approximately $1,258,866.

Boats drawing five feet can pass through the Des Moines rapids canal during extreme low-water.

If it is deemed advisable to give the same available depth and a perfectly safe channel over the Rock Island Rapids, the cuts should be made 400 feet wide, and excavated to a depth of at least 6 feet below low-water of 1864. This would require the removal of 581,835 cubic yards of rock, which would cost approximately $3,491,010.

I have estimated the cost of removing rock at $6 per cubic yard, which would be sufficient, provided an appropriation was large enough to justify the building of coffer dams and a systematic method of working.

The plans present could undoubtedly be so modified during the progress of the work as to require cutting on but one side of the channel, where it is now supposed to require cutting on both side; such changes, when practicable, will reduce the estimated cost.

The interests of navigation of course require that in time all the proposed work shall be done, but as the obstructions at the Rock Island Rapids are made up of a succession of shoals, the improvement of each may be considered as separate, complete within itself, and benefiting navigation just so much.

The only point in connection with the proposed widening of the channel which has not yet been considered is the effect which the straightening and improving of present channel would have on the depth of the water and the rapidity of the current.

No effect which can be measured by the most delicate instruments we have has been produced by the work already done, and it can be safely predicted from experiences here and elsewhere that by using the rock excavated for reducing the flow of water at other points, the required depth can be maintained.

Should the current be slightly increased, it will not interfere with navigation, provided a sufficient width and depth of channel is given.

During the past season the number of boats, &c., passing through the draw of the Rock Island bridge was as follows:

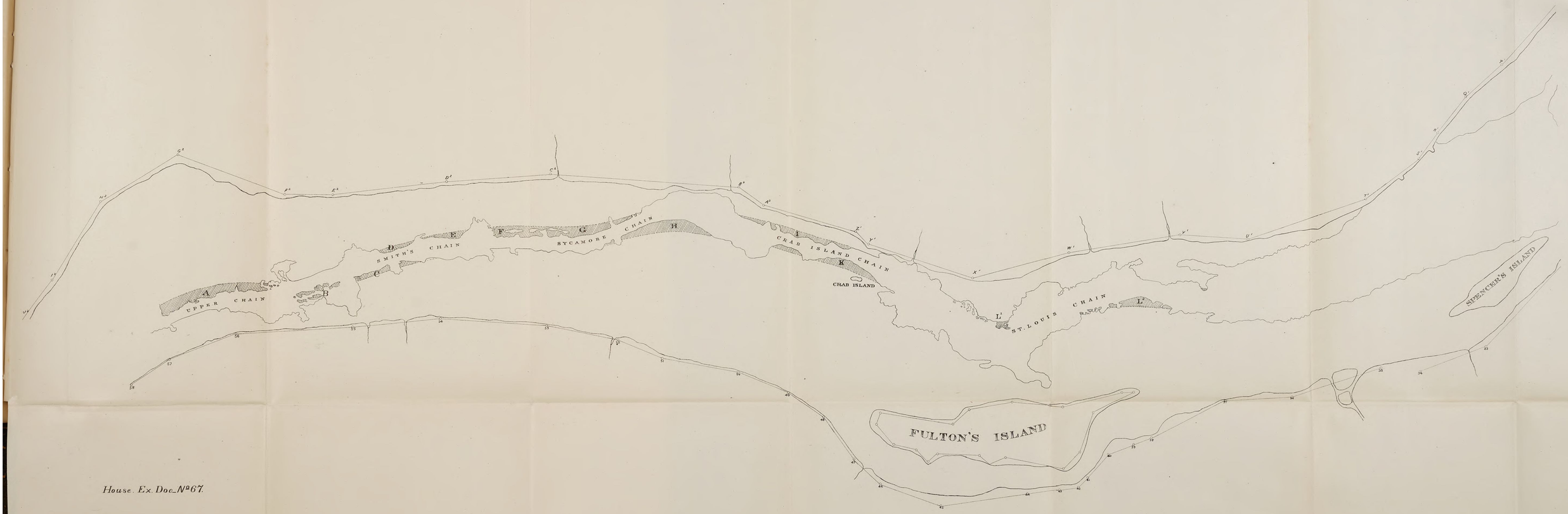
Steamboats	2,514
Barges	750
Rafts	571

All these boats and rafts passed over the rapids, but it is perhaps unfair to judge of benefits resulting from an improvement of this kind from these figures, for the increased width and depth of channel, by facilitating navigation and reducing cost of water transportation, would develop new interests.

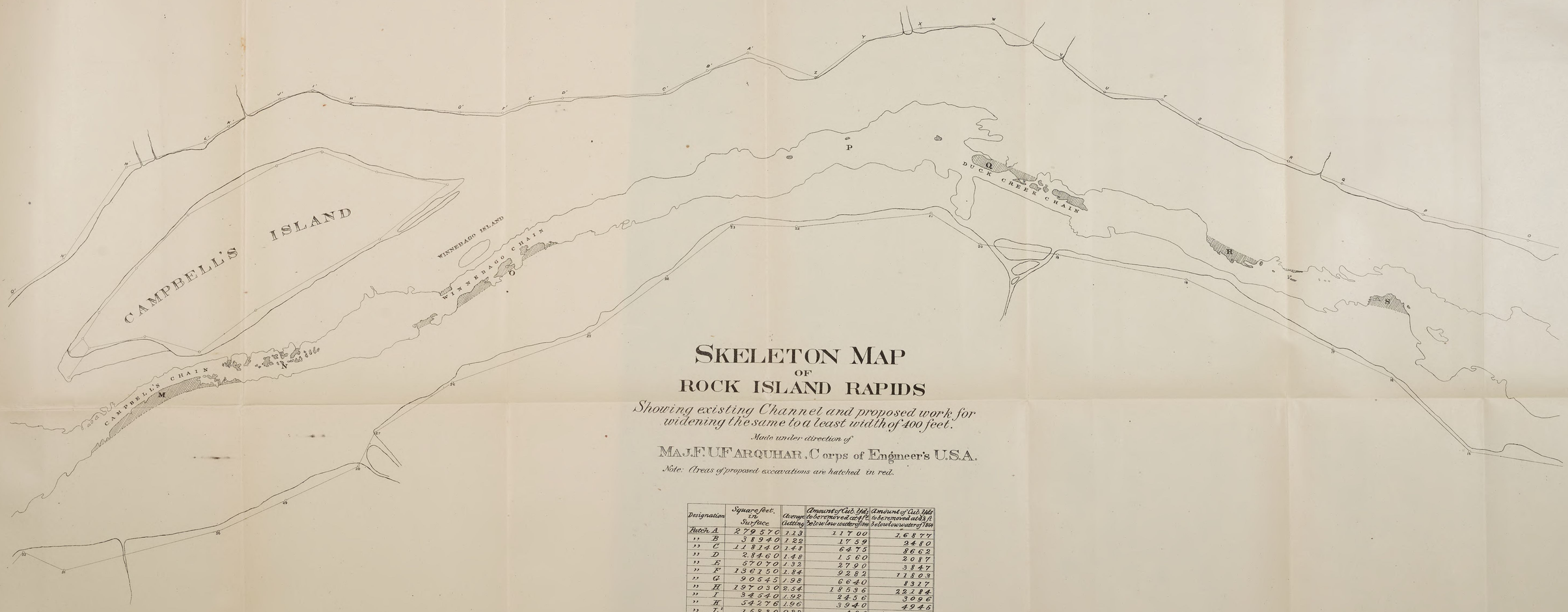
Very respectfully, your obedient servant,

A. MACKENZIE,
Captain of Engineers.

To the CHIEF OF ENGINEERS, *U. S. A.*



House. Ex. Doc. No 67.



SKELETON MAP
OF
ROCK ISLAND RAPIDS

Showing existing Channel and proposed work for widening the same to a least width of 400 feet.

Made under direction of

MAJ. F. U. FARQUHAR, Corps of Engineer's U.S.A.

Note: Areas of proposed excavations are hatched in red.

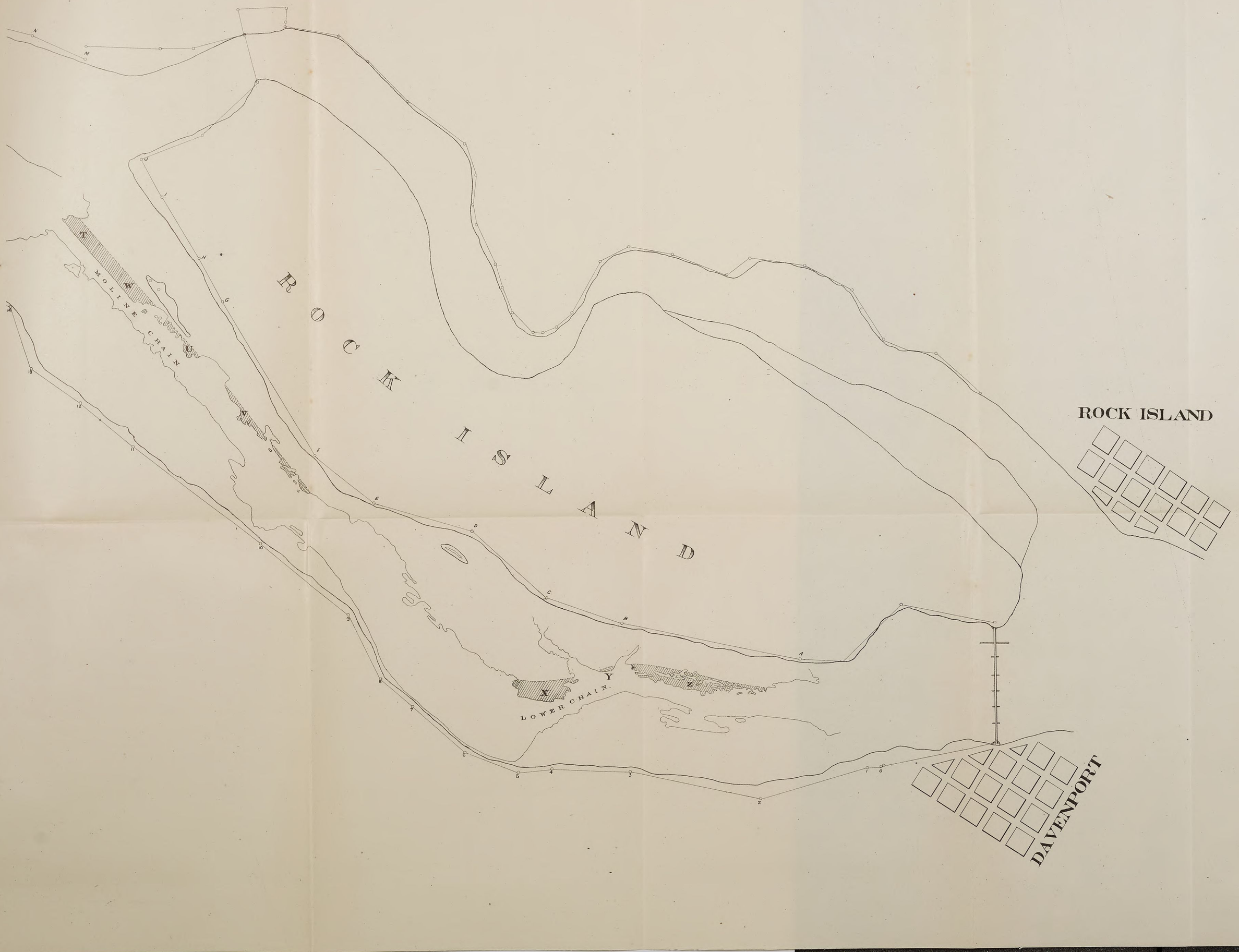
Designation	Square feet. Or Surface	Average Cutting	Amount of Cub. Yds. to be removed, cut 4 ft. below low water of 1866	Amount of Cub. Yds. to be removed at 3 & 5 ft. below low water of 1866
Patch A	279570	1.13	11700	16877
" B	38940	1.22	1759	2480
" C	118140	1.48	6475	8662
" D	28460	1.48	1560	2087
" E	67070	1.32	2790	3847
" F	136750	1.84	9282	11803
" G	90545	1.98	6640	8317
" H	197030	2.54	18536	22184
" I	34540	1.95	2456	3096
" K	54276	1.96	3940	4946
" L'	15330	0.89	486	770
" L²	55660	0.90	1853	2885
" M	346060	1.59	20379	26787
" N	72460	0.80	2147	3489
" O	85500	1.16	3673	5256
" P	172110	1.07	683	1000
" Q	263280	1.54	15016	19899
" R	170200	0.90	5678	8825
" S	80506	1.20	3280	4770
" T	107380	0.94	3529	5406
" U	40520	0.74	1110	1860
" V	93860	1.96	6813	8551
" W	115014	1.60	6816	8944
" X	197726	1.60	11361	14911
" Y	7310	1.00	271	406
" Z	217340	0.90	7725	11752
Total	2908571		155955	209811

U. S. Engineer Office Rock Island March 15th 1880.

To accompany my report under letter of this date.

A. Mackenzie

Capt of Engineers U.S.A


ROCK
ISLAND
MOLINE
CHAIN
UPPER
LOWER CHAIN.
ROCK ISLAND
DAVENPORT

46TH CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { EX. DOC. No. 68.

EXPENDITURES OF COAST AND GEODETIC SURVEY.

LETTER

FROM

THE SECRETARY OF THE TREASURY,

TRANSMITTING

A report of expenditures of Coast and Geodetic Survey for the year ended June 30, 1879.

MARCH 26, 1880.—Referred to the Committee on Expenditures in Treasury Department and ordered to be printed.

TREASURY DEPARTMENT,
March 24, 1880.

SIR: I have the honor to inclose herewith, as required by section 264, Revised Statutes of the United States, a report of expenditures on account of the United States Coast and Geodetic Survey for the fiscal year ended June 30, 1879.

I am, very respectfully,

JOHN SHERMAN,
Secretary.

Hon. SAMUEL J. RANDALL,
Speaker of the House of Representatives.

List showing the number and names of persons employed in the Coast and Geodetic Survey during the fiscal year ending June 30, 1879, *the amount of compensation and time of employment, with a statement of all expenditures made under the direction of the Superintendent of the Coast and Geodetic Survey.*

[Prepared pursuant to act of Congress approved March 3, 1853.]

Names and offices.	Amount of compensation.	Time employed.
Superintendent.		
C. P. Patterson	$6,000 00	1 year.
Consulting Geometer.		
Benjamin Peirce	4,000 00	1 year.
Assistant in Charge of Office.		
J. E. Hilgard	4,200 00	1 year.
Assistants.		
George Davidson	3,730 00	1 year.
R. D. Cutts	3,620 00	1 year.

List showing the number and names of persons employed, &c.—Continued.

Names and offices.	Amount of compensation.	Time employed.
Assistants—Continued.		
C. O. Boutelle	$3,620 00	1 year.
Henry Mitchell	3,200 00	1 year.
H. L. Whiting	3,160 00	1 year.
F. H. Gerdes	3,150 00	1 year.
George W. Dean	2,870 00	1 year.
Charles S. Peirce	2,870 00	1 year.
W. W. Cooper	3,480 00	1 year.
W. E. Greenwell	2,750 00	1 year.
A. F. Rodgers	2,640 00	1 year.
George A. Fairfield	2,180 00	1 year.
J. A. Sullivan	2,180 00	1 year.
James S. Lawson	2,120 00	1 year.
Cleveland Rockwell	2,120 00	1 year.
Edwin Hergesheimer	2,100 00	1 year.
A. W. Longfellow	2,070 00	1 year.
William H. Dennis	2,070 00	1 year.
Edward Goodfellow	2,010 00	1 year.
Charles M. Bache	2,010 00	1 year.
John W. Donn	2,010 00	1 year.
A. T. Mosman	2,010 00	1 year.
R. M. Bache	2,010 00	1 year.
Charles H. Boyd	1,950 00	1 year.
Charles Hosmer	1,950 00	1 year.
C. T. Iardella	1,900 00	1 year.
J. S. Bradford	1,900 00	1 year.
Spencer C. McCorkle	1,840 00	1 year.
R. E. Halter	1,800 00	1 year.
Fred. F. Nes	1,780 00	1 year.
L. A. Sengteller	1,750 00	1 year.
Herbert G. Ogden	1,712 50	1 year.
Gershom Bradford	1,610 00	1 year.
H. L. Marindin	1,600 00	1 year.
William Eimbeck	1,600 00	1 year.
J. J. Gilbert	1,600 00	1 year.
F. Walley Perkins	1,600 00	1 year.
Stehman Forney	1,575 00	1 year.
O. H. Tittmann	1,500 00	1 year.
F. D. Granger	1,500 00	1 year.
B. A. Colonna	1,500 00	1 year.
Edwin Smith	1,412 50	1 year.
A. M. Harrison	1,445 00	1 year.
A. W. Chase	437 50	3 months.
Acting Assistant.		
William H. Dall	1,500 00	1 year.
Subassistants.		
Eugene Ellicott	1,300 00	1 year.
Andrew Braid	1,212 50	1 year.
E. F. Dickins	1,170 96	1 year.
W. Irving Vinal	1,100 00	1 year.
Joseph Hergesheimer	1,100 00	1 year.
H. W. Blair	1,075 00	1 year.
D. B. Wainwright	825 00	9 months.
John F. Pratt	366 66	4 months.
Engineers on Hydrographic Vessels.		
William M. Rodes	1,910 94	9 months.
William H. Mapes	1,646 00	9 months 15 days.
Disbursing Agent.		
J. W. Porter	2,500 00	1 year.
Bookkeeper and Accountant.		
R. L. Hawkins	2,000 00	1 year.
Office of the Superintendent.		
W. B. Chilton, clerk	867 95	1 year.
Computers.		
Charles A. Schott, assistant	2,760 00	1 year.
G. Rumpf	1,303 29	9 months.
James Main	1,200 00	1 year.
M. H. Doolittle	1,731 25	1 year.
Germain G. Porter	1,200 00	1 year.
F. A. Sawyer	1,150 00	11 months 15½ days.
Alexander S. Christie	416 13	5 months 17 days.
Paul Lobanoff	322 00	3 months 13 days

List showing the number and names of persons employed, &c.—Continued.

Names and offices.	Amount of compensation.	Time employed.
Computers—Continued.		
Isaac Winston	$391 00	6 months.
Robert A. Marr	391 00	6 months.
Carlile Terry, jr	406 80	6 months 14 days.
John E. McGrath	433 58	6 months 20 days.
Theodore E. Norelius, writer	240 00	4 months.
Astronomical Computer.		
Marcus Baker	1,500 00	1 year.
Tide Computers.		
R. S. Avery	2,000 00	1 year.
John Downes	666 66	10 months.
L. P. Shidy	900 00	1 year.
M. Thomas	720 00	1 year.
M. E. Nesbitt, writer	720 00	1 year.
Draughtsmen.		
W. T. Bright, in charge	2,050 00	1 year.
A. Lindenkohl	2,350 00	1 year.
L. Karcher	1,799 75	1 year.
C. A. Meuth	943 50	8 months 14 days.
P. Erichsen	1,252 00	1 year.
E. Molkow	1,252 00	1 year.
E. J. Sommer	939 00	1 year.
H. Lindenkohl	2,185 00	1 year.
Hugo Eichholtz	1,095 35	1 year.
N. Hammerschlag (contract)	320 00	
T. L. Moore	252 00	2 months 19 days.
George A. Morrison, writer	840 00	1 year.
Hydrographic Draughtsmen.		
E. Willenbucher	2,000 00	1 year.
Charles Junken	1,800 00	1 year.
W. C. Willenbucher	1,001 60	1 year.
F. C. Donn	851 37	8 months 15 days.
Suboffice, San Francisco.		
G. Farquhar, draughtsman	1,550 00	1 year.
Ferdinand Westdahl, draughtsman	750 00	5 months.
Vincente Denis, janitor	872 28	1 year.
Engravers.		
E. A. Maedel	2,000 00	1 year.
A. Sengteller	1,800 00	1 year.
H. M. Knight	1,721 50	1 year.
A. Petersen	1,721 50	1 year.
W. A. Thompson	1,721 50	1 year.
J. G. Thompson	1,565 00	1 year.
John J. Young	1,967 90	1 year.
Edward H. Sipe	1,408 50	1 year.
William H. Davis	1,173 75	1 year.
J. Enthoffer (contract)	2,034 04	1 year.
H. C. Evans (contract)	1,585 56	1 year.
R. F. Bartle (contract)	1,525 40	1 year.
T. Wasserbach	939 00	1 year.
F. Courtenay (contract)	725 40	
A. C. Ruebsam	346 49	11 months 17 days.
Chart Room.		
Thomas McDonnell	1,600 00	1 year
H. Nissen, book-binder	1,173 75	1 year.
R. T. Bassett, assistant to book-binder	65 00	1 month.
Printers (Copper-Plate.)		
Frank Moore	1,565 00	1 year.
D. N. Hoover	873 00	1 year.
James Beck	782 50	1 year.
Instrument Makers.		
G. N. Saegmuller	1,565 00	1 year.
John Clark	1,565 00	1 year.
Werner Suess	1,173 00	1 year.
William Jacobi	1,018 00	1 year.
E. Eshleman	939 00	1 year.
James J. Clark	70 00	14 days.
Peter Vierbuchen	448 00	5 months.

List showing the number and names of persons employed, &c.—Continued.

Names and offices.	Amount of compensation.	Time employed.
Carpenters.		
A. Yeatman	$1,565 00	1 year.
C. Webster	275 00	7 months 16 days.
Louis F. Dorn	156 00	4 months 11 days.
George W. Clarvoe, laborer	156 50	1 year.
George McCoy (contract)	900 00	
Randolph E. Bender (contract)	250 00	
William Smith (contract)	152 88	
James Loughren (contract)	166 72	
Writers.		
L. C. Kerr	963 25	1 year.
John H. Smoot	626 00	1 year.
Electrotypists.		
A. Zumbrock	2,000 00	1 year.
Frank Over, assistant	1,000 00	1 year.
Miscellaneous Clerk.		
M. W. Wines	1,500 00	1 year.
Clerks.		
W. A. Herbert	1,200 00	1 year.
William B. French	1,100 00	11 months.
Writer.		
C. Abert	975 00	1 year.
Clerk in Archives.		
G. A. Stewart	1,500 00	1 year.
Clerk in Library.		
Samuel Hein	1,800 00	1 year.
Publishing Results.		
William Ferrel, in charge	1,400 00	1 year.
E. H. Courtenay	1,620 00	1 year.
Lucetta J. Ferrel	540 00	1 year.
C. B. Turnbull	540 00	9 months.
A. Davies	25 00	½ month.
Richard D. Harney	50 00	1 month.
E. D. Preston	75 00	1 month.
S. B. Walker	60 00	1 month.
J. Martin	45 00	1 month.
C. L. Bart n	30 00	1 month.
P. M. Pride	35 00	1 month.
E. M. Colcord	35 00	1 month.
H. J. Mulherrin	35 00	1 month.
P. P. Mullett	35 00	1 month.
Extra Observer.		
H. F. Walling	375 00	3 months.
Aids.		
C. H. Sinclair	105 00	1 month.
C. Acton Ives	75 00	1 month.
F. H. Parsons	544 25	6 months.
W. C. Hodgkins	311 80	3 months.
John B. Weir	109 50	1 month.
Robert A. Marr	101 00	1 month 20 days.
Recorders.		
J. W. Butler	93 45	1 month 17 days.
Frank H. Hall	10 00	5 days.
Copyists.		
S. B. Walker	660 00	11 months.
Richard M. Harney	550 00	11 months.
J. Martin	495 00	11 months.
P. P. Mullett	263 06	7 months 16 days.
H. J. Mulherrin	175 00	5 months.
C. L. Barton	262 00	8 months 22 days.
P. M. Pride	155 80	4 months 14 days.
E M. Colcord	137 50	3 months 26 days.
C. B. Turnbull	75 00	3 months.
Messengers.		
William H. Butler	876 00	1 year.
Edward L. Savoy	839 50	1 year.
William Young	821 25	1 year.
Nelson Harrod	472 50	6 months 26 days.

List showing the number and names of persons employed, &c.—Continued.

Names and offices.	Amount of compensation.	Time employed.
Messengers—Continued.		
Charles Over	$730 00	1 year.
Henry McKenzie	730 00	1 year.
William B. Ingram	365 00	1 year.
Laborers.		
William D. Butler	547 50	1 year.
John W. Reed	233 00	8 months.
Sarah E. Flynn	313 00	1 year.
Watchmen.		
A. C. Whitney	803 00	1 year.
B. Neff	610 60	9 months 10 days.
William M. Long	784 75	1 year.
H. W. Huber	520 30	8 months.
N. Y. Cavitt	389 15	6 months.
Firemen.		
Richard Waters	730 00	1 year.
Horace Dyer	529 50	1 year.
J. D. Baltimore	260 50	5 months.
Driver.		
Hazzard McCoy	690 00	1 year.

Expenditures for the survey of the Atlantic and Gulf coast of the United States for the fiscal year ending June 30, 1879.

	1878.		1879.		
	Quarter ending September 30.	Quarter ending December 31.	Quarter ending March 31.	Quarter ending June 30.	Total for year.
Triangulation and astronomical	$12,118 75	$10,373 07	$11,626 44	$4,610 37	$38,728 63
Topography	10,954 71	5,540 44	3,704 69	957 66	21,157 50
Hydrography	16,422 54	18,075 40	14,026 66	7,402 69	55,927 29
Coast Pilot	887 26	786 66	1,012 83	1,013 40	3,700 15
Geodetic work	17,453 02	7,478 15	850 56	420 96	26,202 69
Pendulum operations	1,632 48	2,973 74	1,607 38	1,071 62	7,285 22
Leveling	1,199 09	1,012 20	101 25	.....	2,312 54
Magnetics	890 55	899 95	522 86	407 00	2,720 36
Tidal operations	1,862 27	1,244 60	696 49	682 61	4,485 97
Ship-keeping, &c	290 37	482 35	311 00	304 79	1,388 51
Office expenses	6,515 98	3,990 84	389 10	.....	10,895 92
Pay in office	15,956 27	16,774 05	17,343 41	12,256 05	62,329 78
Pay of officers in field	20,806 50	21,224 00	18,720 00	14,992 50	75,743 00
Pay of engineers	491 00	525 00	540 00	90 00	1,646 00
Pay of extra observer	375 00	.....	.....	.....	375 00
Total expenditures	107,855 79	91,380 45	71,452 67	44,209 65	314,898 56

Appropriation	$315,000 00
Expenditures	314,898 56
Balance	101 44

Expenditures for the survey of the western coast of the United States for the fiscal year ending June 30, 1879.

	1878.		1879.		
	Quarter ending September 30.	Quarter ending December 31.	Quarter ending March 31.	Quarter ending June 30.	Total for year.
Triangulation	$10,103 99	$10,302 12	$4,017 02	$910 17	$25,333 30
Topography	8,457 88	7,946 74	4,387 44	277 25	21,069 31
Hydrography	8,679 18	7,070 07	7,244 27	2,211 56	25,205 08
Geodetic work	9,689 17	6,883 57	1,923 82	5,197 96	23,694 52
Tidal operations	240 00	248 70	262 65	244 75	996 10
Office expenses	126 08	100 65	7,349 12	4,316 44	11,892 29
Pay in office	12,413 67	12,873 16	13,983 98	17,925 97	57,196 78
Pay of officers in field	7,138 46	7,030 00	9,621 66	13,534 50	37,324 62
Pay of engineers	637 98	637 98	634 98	.....	1,910 94
Total expenditures	57,486 41	53,092 99	49,424 94	44,618 60	204,622 94

Appropriation	$205,000 00
Expenditures	204,622 94
Balance	377 06

For repairs and maintenance of the complement of vessels used in the Coast and Geodetic Survey in fiscal year 1879.

ATLANTIC AND GULF COAST.

Repairs of steamer Blake	$3,640 72
Repairs of steamer Bache	2,764 08
Repairs of steamer Arago	4,444 88
Repairs of steamer Gedney	1,980 08
Repairs of steamer Endeavor	1,369 09
Repairs of steamer Baton Rouge	541 95
Repairs of steamer Hitchcock	493 40
Repairs of schooner Bache	2,690 31
Repairs of schooner Silliman	1,992 57
Repairs of schooner Steadfast	1,523 44
Repairs of schooner Palinurus	1,365 36
Repairs of schooner Eagre	596 68
Repairs of schooner Ready	538 97
Repairs of schooner Research	442 62
Repairs of schooner Caswell	200 00
Repairs of schooner Quick	102 55
Repairs of steam-launches	505 21

WESTERN COAST.

Repairs of steamer Hassler	2,975 38
Repairs of steamer McArthur	1,669 77
Repairs of schooner Earnest	88 78
Total expenditures	29,925 84
Appropriation	30,000 00
Expenditures	29,925 84
Balance	74 16

For general expenses of the Coast and Geodetic Survey in fiscal year 1879.

For rent of buildings, numbered 211, South New Jersey avenue, and 215, South Capitol street	$13,600 00
For rent of fire-proof building, numbered 205, South New Jersey avenue	5,000 00
For rent of office, San Francisco, Cal	1,807 50
For fuel for all offices and buildings	527 61
For the transportation of instruments, maps, and charts, the purchase of new instruments, books, maps, and charts, and for gas and other miscellaneous expenses	11,064 66
Total expenditures	31,999 77
Appropriation	32,000 00
Expenditures	31,999 77
Balance	23

For publishing the observations and results made in the progress of the survey of the coast in fiscal year 1879.

Pay of those employed	$4,525 00
Drawing, photolithographing, &c	1,475 00
Total expenditures	6,000 00
Appropriation	6,000 00

For construction of metric standard of weights and measures in fiscal year 1879.

Pay of those employed	$3,584 75
Rent	1,400 00
Contingencies	15 25
Total expenditures	5,000 00
Appropriation	5,000 00

I certify the foregoing to be a true exhibit of expenditures of the United States Coast and Geodetic Survey for the fiscal year ending June 30, 1879.

J. W. PORTER,
Disbursing Agent.

46TH CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { EX. DOC. No. 69.

MINING DÉBRIS IN SACRAMENTO RIVER.

LETTER

FROM

THE SECRETARY OF WAR,

TRANSMITTING

A report in relation to the mining débris in the Sacramento River.

MARCH 26, 1880.—Referred to the Committee on Mines and Mining and ordered to be printed.

WAR DEPARTMENT,
Washington, City March 24, 1880.

The Secretary of War has the honor to transmit to the House of Representatives, for the use of the Committee on Commerce and the Committee on Mines and Mining, as required by resolution of the House of the 19th instant, copy of the report of Lieut. Col. G. H. Mendell, Corps of Engineers, dated February 20, 1880, relative to the effect of mining *débris* in the Sacramento River and its tributaries, together with the maps accompanying same.

ALEX. RAMSEY,
Secretary of War.

The SPEAKER
of the House of Representatives.

OFFICE OF THE CHIEF OF ENGINEERS,
UNITED STATES ARMY,
Washington, D. C., March 22, 1880.

SIR: I have the honor to acknowledge the reference to this office of the resolution of the House of Representatives of the 19th instant—

That the Secretary of War be requested to furnish this House, for the use of the Committee on Commerce and the Committee on Mines and Mining, the report of Col. G. H. Mendell, United States Engineers, in California, relating to the effect of mining *débris* in the Sacramento River and its tributaries—

and to return the same, with a copy of the report called for dated February 20, 1880, and accompanying maps.

Very respectfully, your obedient servant,

JOHN G. PARKE,
Acting Chief of Engineers.

Hon. ALEXANDER RAMSEY,
Secretary of War.

SAN FRANCISCO, CAL., *February* 20, 1880.

GENERAL: Various annual reports on the improvement of the Sacramento River of this State, beginning in 1876, have made mention in a general way of the relation of hydraulic mining to the navigation of the Sacramento.

The last annual report included a comparative profile of the bed of Steamboat Slough (one of the principal channels of the Sacramento), as plotted from Wilkes's survey of 1841 and the survey of 1878. This showed a maximum filling of 22 feet and a mean filling of 8 or 10 feet. This comparison is not owing to the uncertainty as to the base of levels of the exploring expedition insisted upon, except to demonstrate the fact of a serious filling.

The same report showed, as a result of the survey of 1878, that the plane of low-water at the city of Sacramento has been raised about 5 feet since the occupation of California by Americans. The tide which thirty years ago produced an elevation of about 2 feet at Sacramento, and made itself felt as high as the mouth of the Feather, now does not sensibly extend above Heacock Shoal, 9 miles below Sacramento.

A survey of the river in front of the city of Sacramento for a distance of 2 miles in 1854, by authority of the town council, shows, in comparison with our survey of 1878, a mean filling over this distance of 15.2 feet and a maximum filling of 25 feet. This comparison was made by the State engineer.

The State engineer finds the filling of the bed of the river at the mouth of the Feather to be 3 to 4 feet; at Marysville, on the Feather, to be 13 to 15 feet; at the Yuba Mill, on the Yuba River, near where it emerges from the foothills in a part of the stream that never was navigated, 68 feet; and at Smartville, still farther up in the foothill, at the outfall of same large mines, the filling is reported to be 125 feet.

The pools in the Feather have also been very much filled. The tendency of the river under the great loads of material imposed upon it is to take a grade which tends constantly to get steeper and steeper.

Steamboat Slough, which was formerly the shortest and deepest of the two arms of the Sacramento, is reported on good authority to have been filled a good deal since the survey of 1878; so much so, that it has been abandoned as the usual route of river boats.

The navigable condition of the lower river has also suffered very much, owing to the same cause, but not in proportion to the actual filling. The mean depth has been lessened in a much greater proportion than has the maximum depth.

The filling in the beds of the Sacramento and Feather is mainly sand. Many borings in the Sacramento were made in 1878, almost always with the same exposure of sand. At the mouth of the river and in some bays where the current is feeble there is a deposit of sediment or "slickens," as it is locally called. This is a mixture in a fine state of division of clay and extremely fine sand. It is suspended with such facility that it may almost be called soluble. It gives the yellow or tawny color to the waters of the mining rivers, and imparts to the waters of San Francisco Bay a feebler, although a very distinct, shade of color.

The "slickens" do not appear to rest in the main rivers. When they reach the channel, they are carried by its current to resting-places in the lower bays, and perhaps in part in the ocean.

The other products of hydraulic mining are sand, both silicious and micaceous, gravel of all sizes to stones which may appropriately be called cobble-stones, as they reach the foothills. As they leave the mining sluices they are in many cases much larger.

I inclose a map of the Lower Sacramento River and its tributaries, covering the parts of the mining districts now under consideration. The names on the map in the mining district are those of prominent mining points. The Feather and American rivers drain the greater part of these districts. The Yuba, which joins the Feather at the site of the town of Marysville, is the main mining river of the tributaries of the Feather. The Bear River, which joins the Feather below Marysville, is also an important mining stream. Upon these last two streams the consequences of the state of affairs that has existed in this country for a great many years have been more fully developed than elsewhere. In order to exhibit these results in an effective way, I inclose maps of the Yuba and Bear rivers for a few miles of their course. These maps are obtained through the courtesy of the State engineer department.

A few words may be said in explanation of the Yuba map. The shading denotes the deposits of mining detritus. This deposit opens out as the river is released from confinement in the foothills. It attains a width of 6,400 feet, and it is estimated that it has thus far covered 14,600 acres in the plains, much of which was alluvial land of value.

The cross-section on the Yuba map shows the elevation of this mass of detritus to be here above the general level of the country. This general level is the second bench of the bank, the first being covered. The original bed of the stream is said to have been 10 or 12 feet below the lower bench. The same general description may be given of the deposits on the Bear River. These rivers, after reaching the plains, no longer flow in natural channels, but make for themselves beds which change from year to year, and which are in many places above the adjoining farming lands. These lands are protected from the flood water and from the mining deposits by levees, which, year by year, have to be built higher and higher to keep up with the new deposits which are yearly added.

When the levees give way, which is not an unfrequent occurrence, the lands adjoining are covered with a deposit. In places where the flood water stands quiet long enough, a thick crust of slickens forms on the land. The thickness runs from a film to perhaps a foot. The sand and gravel are generally deposited close to the site of the breach.

The losses that the farmers suffer yearly from this cause and the apprehension of future disasters of still greater magnitude have given rise to a good deal of contest in the courts and legislatures. It now exists in the legislature of California, where the great interests of agriculture and mining are engaged in controversy. There is much to be said on each side of the contest.

HYDRAULIC MINING.

One great source of the evils that have been briefly sketched is admitted to be mining; the main existing cause is hydraulic mining. Quartz mining and other mining than hydraulic have their influence, but their sources are relatively so insignificant, that they may be neglected in comparison with hydraulic mining.

Hydraulic mining makes a profit out of gravel or earth which contains six or eight cents in gold to a cubic yard. It does this by making water do the work that in other mining is done by machinery or by manual labor. Water excavates the mountains and carries the detritus to the dumps, out of the way. Water also brings this detritus from the dumps, which are generally in the gorges of the mountains, to the plains, the river-beds, or ocean-beds, wherever it comes to rest.

When the water is made to excavate, it is used under a pressure of 100 to 300 feet, and is discharged against the bank from a nozzle that may be 5 inches in diameter and in some cases is 9 inches. This same water, conducted in sluices of 4 to 6 feet wide on a grade of 200 t o 300 feet to the mile, carries the excavated detritus to its outfall or dump. This material accumulates at the dump until the freshet in the channel carries it below. The streams at the upper mines have a fall of 70 and perhaps 100 feet to the mile. A freshet with such a fall makes rapid destruction of a dump.

This rapid and cheap handling of earth or gravel is made possible only by large investments of capital. These investments are made to bring water from higher altitudes, so that it can be used under the necessary pressure. The water is brought in ditches 40 miles, more or less, long, built in a country which for vertical dimensions and steep slopes is almost unequaled.

These canals are bold in the extreme. Inasmuch as the streams do not furnish sufficient water at all sasons, it becomes necessary for the miner to store water from the melting snows, which he does in large reservoirs, which are also admirable specimens of their kind. These reservoirs are well up towards the summit of the Sierra Nevada. Several are shown on the map, as the Fordyce, the Bowman, the English, and Meadow Lake.

The construction of the canals, reservoirs, and the sluices from the mines to the dump, which is often through a tunnel some thousand feet in length, is all preliminary to the actual operation of mining. These constructions have in some cases required several years' time, and in the case of the North Bloomfield required the expenditure of about two millions of money.

In these circumstances lies one of the main appeals of the miners. In many cases the principal has not been returned, and cannot be returned unless the system is allowed to continue.

Although the hydraulic miner is now unquestionably responsible for the continual accretions that raise the levels of the beds of the watercourses year by year, yet the history of these deposits show that he is not responsible for all that is past.

Hydraulic mining, in the effective form it now presents, is of quite modern growth. The earlier mining done from 1848 to 1860 was done by manual labor. Water was used to work out the gold, but was not used to excavate to any great extent. The water was not used under pressure. During these years, and especially during the first five or six years, counting from 1848, many thousands of men were employed in placer mining all through the gold district. During all these years there was no great flood. The winter of 1861–'62 was the occasion of the severest flood California has known since 1848. This flood found all the little gulches and the beds of larger streams stored with the material resulting from ten years' mining. This freshet brought the sand and gravel down in immense quantities. Whatever filling of the channels may have taken place previous to this time, it appears to have escaped notice. The winter of 1865, which gave high water, increased the evil. The placer mining had been nearly if not entirely exhausted by this time. Each successive flood has made things worse and worse.

It has been said that a profit can be made out of earth that contains a few cents of gold to a cubic yard, but in order to accomplish this, a large investment of capital must be made in procuring a sufficient supply of water under an adequate pressure. It will now be understood

that, in order to return a good interest on large investments, large quantities of earth must be handled.

The quantity of water that a mine uses is generally pretty well known, at least approximately. The quantity of earth that is moved has not generally been a subject of interest to the miner, and for that reason our information on this point is not as full as is to be desired.

In a few cases the amount of excavation has been measured, and some attempts have been made to obtain general results as to the amount of excavation that can be made with a given quantity of water. This amount varies with the character of the material, with the slope of the sluices, and with the pressure of water. It is not here proposed to go into much detail on this point, but it seems desirable to convey some sort of an adequate idea of the results of this kind of excavation.

An inch of water running for twenty-four hours is taken to be 2,230 cubic feet. On the San Juan Ridge, between the South and Middle Yuba, the State engineer reports that in the year beginning November, 1878, 2,819,317 inches of water were used, while the quantity ascertained to have been used during the same time in the drainage basin of the Yuba is 5,893,962 inches. An inch of water will excavate at all rates from 1 to 7 or 8 cubic yards of earth.

The Spring Valley Mines, at Cherokee, have been excavated to the extent of 23,000,000 cubic yards in seven years with an average quantity of 2,250 inches. Allowing 310 days to the year, the daily excavation for an inch of water is about 4 yards.

The material here is very light, being sand, fine gravel, and clay, in cliffs 400 feet high. The grade of the sluice is perhaps an average, being 1 foot in 24.

It would perhaps be an excessive allowance to apply this rate of excavation to the basin of the Yuba. It is, however, within the probable limits of truth to place the amount of material excavated in the basin of the Yuba at 2½ yards to the inch. This allowance makes the yearly amount placed in this stream and its tributaries at 14,000,000 or 15,000,000 cubic yards.

On the other mining streams—the Feather, Bear, and American—there is no reliable information as to the amount excavated and deposited in the streams.

AMOUNT OF DEPOSITS.

An attempt has been made to estimate the quantity of the material in the Yuba and Bear rivers that has not yet reached the navigable lines, but which lies in the path of the floods, and is therefore liable to be washed farther and farther in greater or less degree by every freshet. These deposits are the result of past mining. If no more were added, they are yet capable of doing a great injury to the water-courses below.

Amount on the Yuba.—Amount lying in the bed of the main Yuba and its branches above the Yuba Mill, 49,263,200 cubic yards; amount below the Yuba Mill, as far as Marysville, 14,600 acres, covered, average depth assumed to be 4 feet, 94,288,664 cubic yards; total, 143,551,864 cubic yards.

On the Bear River the estimate is 148,248,000, of which 62,088,000 lie in the plains and 86,160,000 cubic yards are in the bed of the stream above the foothills. This estimate makes the total amount in the two streams to be 291,799,864 cubic yards.

It is not pretended that this estimate is accurate. It could not be made so without boring the deposits in thousands of places. It is made from the best information available. Its use in its imperfect accuracy

is to convey to those who have not the opportunity of seeing it some conception of the enormous dimensions of the phenomenon.

The character of the deposit has already been described. It is sand, gravel, slickens, and stones. The part that has reached the plains to this time is sand, gravel, and slickens. The larger gravel and cobbles remain as yet in the foothills. There is some coarse gravel in the Yuba, 4 or 5 miles below the Yuba Mills.

The Yuba having been filled 125 feet at Smartville, and perhaps 15 at Marysville, the slope of the river between those points, a distance of 18 miles, has been increased 110 feet, which is about 6 feet per mile. This about doubles the original slope. This tendency to increase the slope of this part of the river brings the gravel lower and lower. This is counteracted to some extent by the great breadth of the stream in the plains at high-water.

Small gravel is, however, found now in small quantities within three or four miles of Marysville. With the increase of slope, under the influence of freshets, we must expect this gravel to reach first the Feather and in time the Sacramento. Once in either of these streams in considerable quantity, it cannot be expected to move under the influence of the current, or if it did, the effect would be to transfer it to a more objectionable place.

In the Feather, the pools that formerly alternated with ripples have been filled. It is estimated by the State engineer department that there is a deposit in the Feather River of 40,000,000 cubic yards, and in the Sacramento below the mouth of the Feather something like 100,000,000 cubic yards.

FUTURE MINING.

The quantity of material that remains to be excavated at the mines by hydraulic process cannot be stated with any particular degree of accuracy. This quantity is, however, known to be very large.

The quantity remaining on the San Juan Ridge between the South and Middle Yuba was estimated by Mr. James D. Hague in 1876 to be 700,000,000 cubic yards. The following quotations from a printed report made by this gentleman illustrates this statement:

> The linear extent of the gravel channel and its branches on this ridge is about 25 miles. Deducting liberally for the portion already worked, and for that too deeply covered by lava to be available for hydraulic mining, there remain probably not less than 14 miles of channel available for washing, from which only a comparatively small portion of the top gravel has been removed. Below San Juan the gravel body has a surface width of over 1,000 feet, and is, say, 140 feet deep. From Badger Hill to Bloomfield it is for the greater portion very much wider and deeper. At Columbia Hill its surface width varies from 3,000 or 4,000 to 8,000 feet, and it is from 300 to 600 feet deep. The gravel at Lake City is probably 300 or 400 feet deep. At North Bloomfield it is opened to the bed-rock, showing a depth of more than 300 feet. Roughly estimating the average width of the remaining gravel range at 400 yards, and after allowing for the portion worked off, placing its average depth at 70 yards, the sum is an average, say, of 50,000,000 yards per mile, or for 14 miles, say, 700,000,000 yards.

There are, so far as is known, no means of estimating the contents of other gravel deposits in the drainage basin of the Sacramento, nor is it necessary for the purposes of this report that this amount be now known. What is fairly known is sufficient to justify a conclusion.

The preceding description enables us to forecast with certainty, in every respect but time, the disasters which impend over the valleys and their water-courses.

The great gravel deposits on the flanks of the Sierra Nevada occupy the channels of an ancient drainage system which was obliterated by an

enormous movement of gravel and bowlders brought from higher regions, perhaps by glacial action.

New drainage lines were in time excavated by erosion, and these in turn are now undergoing a process of obliteration, which if less magnificent in the scale of movement of material than the ancient natural action, is no less certain of its results.

It is hardly necessary to speculate here as to the probable alignment of the third and last drainage system which will replace that which now exists. It is sufficient to appreciate that the result, be what it may, will bring extreme disaster to a large portion of the State.

STORAGE OF MINING DETRITUS.

It is, then, of the first importance to know what can be done to remedy or mitigate these evils that have been described. This description has been directed mainly towards showing the injuries to which the rivers are exposed. There are other features that are only secondary in importance. The elevation of the bed raises the flood line and gives to an ordinary freshet the terrors of a flood.

The riparian strip of country is constantly threatened with overflow, and all the country which depends on the rivers for communication finds the efficiency of navigation impaired.

Relief from the certain increase of evil that must result from a continuance of the present system of mining can be given only by a restraint of the mining detritus by storing in places where it can do little harm. This mass of material must be stored in reservoirs, the best place for which is in the foothills of the Sierra Nevada. The reservoirs must be made by placing dams across the beds of the streams into which the material is discharged from the mines.

Well up in the foothills there is an abundance of stone. This is the material of which to make the dams, which will be a mass of riprap, the pieces being of sufficient weight not to be moved by the freshets. The dam will therefore not be water-tight, and being composed of stones without bond, we are enabled to found it on the gravel, without the necessity of going to the rock below. It is therefore an obstruction rather than a dam. The slopes of the mass will depend upon the size of the material. With large stones of several tons' weight the lower slope may be 1 on 2 base. The only disaster that can come to such a structure is settlement. If it should be undermined at the foot of the slopes, it will settle and can be restored by the addition of stone. The construction is inexpensive, involving no skilled labor.

Now, suppose such an obstruction placed across the bed of the Yuba, the storage capacity will depend upon the slope the material takes under the action of the freshets. The slope of the detritus now in the bed at this point, as it was left by last winter's freshet, is about 22 feet to the mile. If we assume this as the slope when the reservoir is full, the estimate of the storage, based upon the surveys of the State engineer, show that a height of one or more obstruction, making a total of 50 feet, placed just above Deer Creek would hold back about 30,000,000 cubic yards. Taking the slope of 10 feet to mile, the same obstruction would hold back 7,500,000 yards.

If we suppose all the material mined on the Yuba to be stored, it would not be much more than two years before the larger capacity here mentioned would be exhausted. It cannot be expected, however, that all the detritus will be stored. The slickens and some proportion of the sand will escape. What that proportion may be, experience must de-

termine. We can safely say that a very large proportion will be retained, and that in this respect the condition will be improved.

When the necessity for more storage approaches, let us suppose another dam built of suitable height, placed farther upstream, and so on in succession as may prove to be necessary.

The width of the bed of the Yuba at the dam-site is 300 feet. There is a deposit in the bed of 30 feet of sand, gravel, and stones. The side slopes of the mountains rise to a height of perhaps 1,500 feet, and have an inclination of 35° to the horizon.

The base of the first dam is 300 feet. Fifty feet higher the width of the valley will be 440 feet, and each succeeding height of 50 feet would widen the stream 140 feet.

The height that it may be prudent to give to these dams depends so much on the material and circumstances in each case, that it must be left for future consideration.

The following table gives the storage capacity for different heights, on the assumption that the material takes a slope of 10 feet to the mile. The quantities in this table are used as a basis for an approximate estimate.

Table showing the quantities of material in dams and quantity that can be impounded at different heights, the present width of bed being assumed at 300 feet and side slopes of 35°.

Number of dam.	Height.	Total height.	Stone in dam.	Storage capacity.	Total storage.
	Feet.	*Feet.*	*Cubic yards.*	*Cubic yards.*	
1	50	50	82,000	7,537,000	7,537,000
2	25	75	30,777	12,164,000	19,701,000
3	25	100	35,240	16,150,000	35,851,000
4	25	125	39,212	22,740,000	58,591,000
5	25	150	43,783	25,408,000	83,999,000
6	25	175	48,255	27,968,000	111,967,000
7	25	200	52,726	30,550,000	142,517,000
8	25	225	57,197	33,150,000	175,667,000
9	25	250	61,670	35,738,000	211,405,000
	.....	300	.....	79,258,000	290,663,000
	.....	400	.....	189,626,000	480,289,000
	.....	500	.....	231,106,000	711,395,000

In this calculation no allowance is made for the increase of reservoirs by tributary streams, nor for extension upstream above the original length assumed, namely, 40,000 feet. Both of these elements are considerable. If, then, the dimensions turn out to be as here assumed, the storage in the table is much too small. The dimensions assumed are an average given by the State engineer department.

The economy and comparative stability of low dams are plain. Two 25-foot dams require about two-thirds the quantity of stone of one 50-foot dam, giving the same storage capacity.

The contents of the dams are calculated solid, without allowance for voids, and to each volume so obtained 20 per cent. is added for paving below the dam.

In the first three dams, taken as a whole, one cubic yard of stone impounds 242 cubic yards of detritus. For the other dam, one cubic yard of stone impounds about 580 yards.

There is some difficulty in estimating the probable cost of these dams. Good authority places the cost at about $1 per yard. The material is known for some dams at least to be convenient in the hills above. It is

proposed in the absence of full information to adopt higher rates, which are assumed as follows:

Average for first three dams	$1.50 per yard.
Average for remaining dams	2.50 per yard.

With these rates the cost of the first three dams will be $222,025, storing 35,750,000 cubic yards, being about three-fifths of a cent per cubic yard stored.

For the upper dams, the bed of the stream having taken the slope of 10 feet to the mile, the expense becomes reduced, per cubic yard stored, to less than ½ of a cent.

The above is as fair a statement of the probable cost of this system as can be predicted from our present information in regard to the Yuba. This river is the principal seat of this kind of mining, and it has received the most attention.

We are not prepared to go into the same kind of calculation as to the American or the Bear. There may be some objections on the latter stream to this storage, for the reason that it may interfere with the outfall of the mines. The cost will probably be less on these rivers, for the reason that the amount of nining is less than on the Yuba.

GENERAL REMARKS.

This system of storage, the cessation of hydraulic mining, and the destruction of the navigable lines of the interior, are the alternatives which present themselves for consideration. It is true that the last alternative is not without qualification, as will be seen further on, where the diversion of some of the tributaries of the Sacramento is considered. It is to be remarked that this diversion is in itself destructive to one navigable line, and that it does not afford relief to the city of Marysville and to the farming lands adjoining the mining rivers, which are now so seriously threatened.

The purpose of these dams is novel. The mining dumps, however, in the rivers where the material is large, as at Smartsville, play the same part, and store material above them.

The security of these dams depends upon the stability of the lower slope. The stones on these slopes must be so large as to hold their places under the floods which pass over them, and the positions they are made to take must be of studied irregularity, so as to destroy velocity by falls.

The first dam of the series is the most important, and will require the most particular care in its construction.

The cost of these dams, it must be admitted, cannot at present be closely forecast. The prices that have been assumed are much in advance of those that are given by good authority in such matters. It remains for experience to indicate what this cost will be. If we double the estimates that have been made, the cost per cubic yard stored will yet be moderate.

YUBA IN LOWER FOOTHILLS.

The mines about Smartsville are among the best. There are also mines at Timbuctoo and Sicard Flat on the Yuba. All these mines are below the sites of the dams at Deer Creek. We must store the detritus of these mines lower down.

Going down to the edge of the foothills, we find a place which is about

6,000 feet wide from highland on one side to highland on the other side. This is a very good site for a dam, which will have to be made of brush. The material is convenient in the shape of the thick growth of willows which spring up on the mining deposits.

The storage area below the Smartsville dumps is about 2,700 acres, which, covered to a depth of 10 feet, will give a reservoir capacity of 43,500,000 cubic yards. This reservoir will help to retain the sand which may escape from the upper storage.

The long crest of this dam will make a safe overfall. A large part of the dam material will be constantly wet, and therefore durable. It will, however, probably require repair from time to time.

The detritus that lies in the plains below the foothills can hardly be raised higher than it now is without danger and certainly alarm to the farmers where lands adjoin. By directing the course of the Yuba River through the plains, it is believed that it can be made to create and maintain a bed, provided new accretions of sand are prevented. This treatment will require the transfer of relatively small quantity of the detritus to the drainage channels below.

The Bear River requires almost identical treatment with the Yuba. It ought to have a dam at some point in the mountains. This river has not been examined with the same care as the Yuba, and therefore an estimate cannot be made with the same definiteness. A second dam ought to be built at the edge of the plains near Camp Far West. The same treatment is required for the American River.

If this description of the existing state of affairs is at all adequate, it will not be doubted that the necessity for these works is urgent.

It is strongly recommended that these dams be built during the coming summer. The proper time is during low-water, which extends from August to October. During this period there is little water in these rivers except that which comes from the mines, and consequently there will be little difficulty due to the presence of a strong current.

HIGH STAGE.

At the dam-site in the Yuba, near the mouth of Deer Creek, the rise of high-water is stated to be 11 or 12 feet. The freshets are generally of short duration in the winter, the greater part of the precipitation being in the form of snow.

A second high stage lasts through May and June, during which time the snow is melting. This latter stage is believed to be not so high as the winter freshets, although much longer.

OTHER OPERATIONS.

The storage of mining detritus in the mountains being successfully disposed of, the future will probably be relieved from the immense accretions of sand that now escape yearly from the mines. This is an immense advantage, but it remains to point out another resource that is open for the further protection of the Sacramento River.

The full investigation of this plan, as to its cost and probability of proportionate benefit, will have to be left for a future occasion.

It may be noticed on the map of this region that the Sacramento is bordered by lowlands, represented by shaded lines. One of these low districts lies between the Feather and the American, on the east side of the Sacramento. Some parts of this land are represented to lie as much as 20 feet below the banks. The average depth has been estimated at

12 feet. The area is said to be in the neighborhood of 60 square miles. Admitting these statements to be exact, the storage capacity of this basin, filled to the banks, will be about 700,000,000 cubic yards.

It is believed to be practicable to turn the Feather and American Rivers into this basin, and make them deposit therein the sands which they bring down.

No objection is now seen to turning the American in this way. It is not navigable. The diversion could not fail to be beneficial to the Sacramento.

The Feather differs from the Sacramento in being a larger stream and consequently likely to be more expensive to divert, and also in being navigable. It is now the outlet for a certain district of country and maintains a small commerce.

It is recommended that a full investigation of this problem of diversion be made as soon as possible, for future guidance.

CONCLUSION.

The foregoing is an outline of the remedial measures that are possible. It is scarcely necessary to add, in view of what has been said, that some measures are indispensable. The only alternative is a cessation of hydraulic mining. Even if this alternative were adopted, it would still be necessary to restrain the many millions of cubic yards of detritus already mined and now lying in the path of freshets, which urge it year by year into the lower lines of drainage.

It is in large part due to the courtesy of the State engineer of California, who has given access to data as yet unpublished, that it has been possible to make this report with any amount of definiteness, either as to the magnitude of the evil or the cost and probability of success of remedial efforts.

The general features of the phenomenon of choked rivers have been known for some time, but no attempt has before been made to assign a measure to these features.

It must be regarded as most unfortunate that these measurements had not been taken some years ago. Some definite conception of the circumstances would then have been possible and the evil could have been grappled with in good time. The problem becomes more serious by delay.

The statement of the case which has been given fails of its object if it does not convey a most serious view of the urgency of this question.

It is respectfully suggested that this subject be brought to the attention of Congress as soon as practicable.

Reasons have been given why a full estimate of cost cannot now be made. A great part of the data has come from investigations outside of this office.

Our information must be admitted to be incomplete, but it is sufficient to justify a recommendation for an appropriation by Congress.

It is therefore respectfully recommended that an appropriation of $250,000 be asked of Congress, to be expended during the present year in the construction of storage reservoirs for mining detritus on the tributaries of the Sacramento River and in a further study of the question.

I am, very respectfully, your obedient servant,

G. H. MENDELL,
Lieutenant-Colonel of Engineers.

The CHIEF OF ENGINEERS, U. S. A.

MAP
of the
LOWER PORTION
of the
SACRAMENTO RIVER
CALIFORNIA.

Showing the tributary streams draining Hydraulic Mining Districts.

Accompanying Report of Feby 20th 1880.
Geo. Wendell
Lt. Col. Corps of Engineers

Scale of miles.
10 5 0 10 20 30 40 miles.

TRUE MERIDIAN.

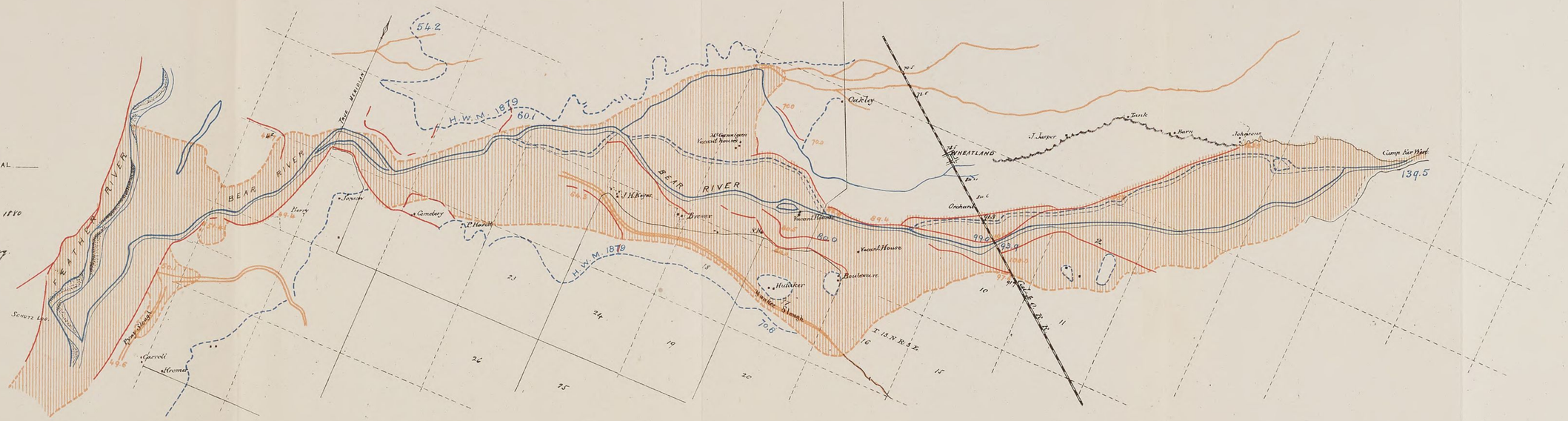
Stony Creek
Chico
Munroeville
Cherokee
Empire
South Fork
OROVILLE
LaPorte
SUMMIT OF THE SIERRA NEVADA MTS.
Alleghany
Yuba
Bowman Res.
English Res.
Middle
Orleans Fl.
French L.
Meadow L.
Snow Tent
Fordyce Res.
North Bloomfield
North San Juan
Yuba
Gold Hill
South
French Corral
Blue Tent
Deer Creek
NEVADA
Dry Cr.
YUBA
Sucker Fl.
Timbuctoo
Smartsville
Grass Valley
Central Pacific Rail Road
Gold Run
Butchers
Michigan Bluffs
Forest Hill
Camp Far West
Wheatland
Nicolaus
AUBURN
Georgetown
South Fork
PLACERVILLE
Grizzly Fl.
Amador
RIVER
MOKELUMNE
CALAVERAS
SACRAMENTO
FEATHER
YUBA
AMERICAN
COSUMNES
SAN JOAQUIN
SUTTER SLOUGH
Hamilton Slough
COLUSA
MARYSVILLE BUTTES
MARYSVILLE
Knight's Landing
Cache Creek
Putah Cr.
SACRAMENTO
Rio Vista
SUISUN BAY
STOCKTON
Lathrop
MONTE DIABLO
LIVERMORE PASS

House. Ex. Doc. 69.

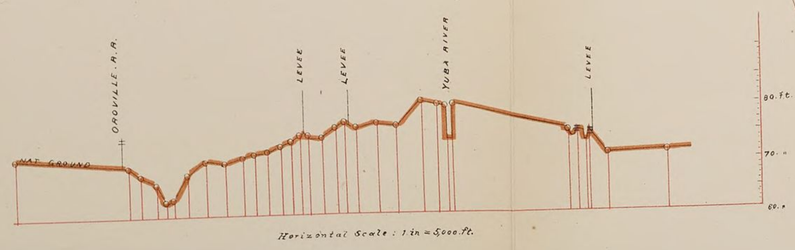
MAP
of
BEAR RIVER
SHOWING THE
FLOODED LANDS
adjacent thereto

STATE ENGINEER'S DEPARTMENT CAL.

Accompanying report of February 20. 1880
G. H. Mendell,
A. Col. Corps of Eng.



House Ex. Doc. N° 69.



Horizontal Scale: 1 in = 5000 ft.

Section through A ——— B

MAP
of
YUBA RIVER
SHOWING THE
FLOODED LANDS
adjacent thereto.

STATE ENGINEER'S DEPARTMENT. CAL.

Scale:- 1 inch = 5000 ft.

accompanying Report of
Feby. 20th 1880

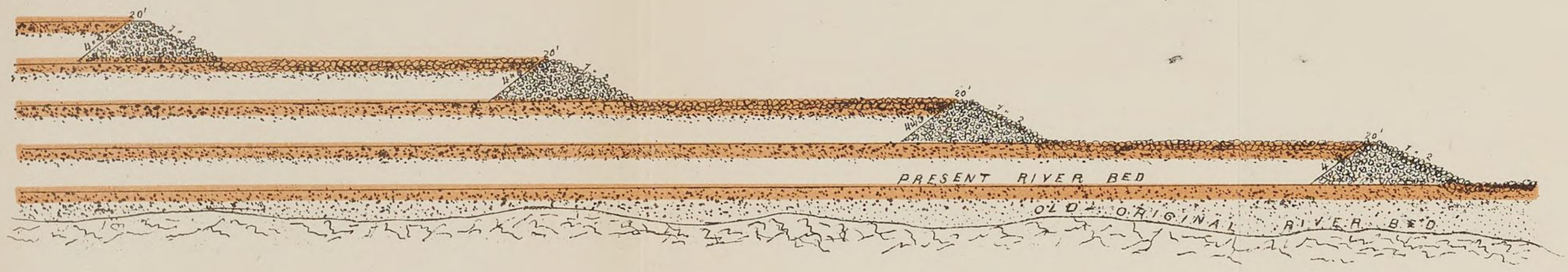
Gtt. Wendell.
Lt. Col. Corps of Engineers

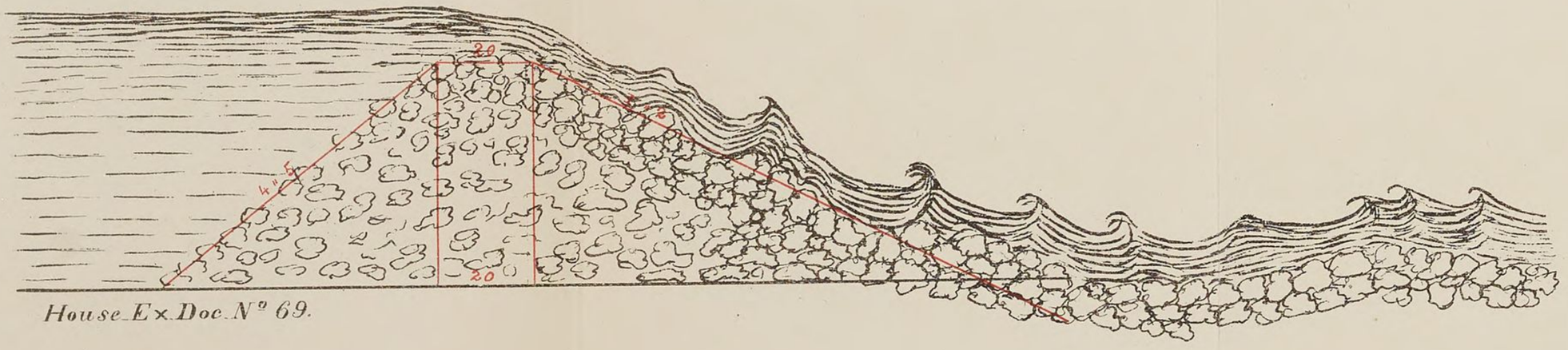
Figures in black and blue show elevations in feet above low water adopted at New York Landing
" " " = natural ground; figures in blue = high and low water
Shading represents deposit of mining detritus.

House Ex. Doc. No 69.

SKETCH OF PROPOSED DAMS FOR IMPOUNDING MINING DETRITUS

SECTIONAL ELEVATION; NATURAL SCALE:





House Ex. Doc. N° 69.

46TH CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { Ex. DOC. No. 70.

IMMIGRATION OF CHINESE TO THE UNITED STATES.

MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

TRANSMITTING,

In response to a resolution of the House of Representatives, a report from the Secretary of State in relation to the negotiations concerning the immigration of Chinese to the United States.

APRIL 12, 1880.—Referred to the Committee on Education and Labor and ordered to be printed.

To the House of Representatives:

In response to the resolution of the House of Representatives of the 12th of February last, on the subject of negotiations concerning the immigration of Chinese to the United States, I transmit herewith a report of the Secretary of State, to whom the matter was referred.

R. B. HAYES.

WASHINGTON, *April* 12, 1880.

DEPARTMENT OF STATE,
Washington, April 9, 1880.

To the President:

The Secretary of State, to whom has been referred the following resolution of the House of Representatives of February 12, 1880:

Whereas on the 25th day of February, 1878, a resolution was unanimously reported to the House of Representatives, requesting the President of the United States to open correspondence immediately with the governments of China and Great Britain, with a view of securing a change or abrogation of all stipulations in existing treaties which permit the unlimited immigration of Chinese to the United States: Therefore, be it

Resolved, That the President be requested, if not incompatible with the public interests, to inform this House what steps have been taken in the direction indicated by said resolution, and also to communicate any other information upon this subject as he may deem proper.

has the honor to report:

The committee resolution of the 25th of February, 1878, requesting the President to open correspondence with China and Great Britain, appears to have been a joint resolution, which was read a first and second

time in the House, and then recommitted. No further action was taken either in the House or Senate, and consequently it has never been communicated to the President or referred to this department. No steps, therefore, have been or could have been taken in formal pursuance of the request of the resolution.

But the subject-matter of the resolution was brought to the attention of the diplomatic representative of the United States in China. That minister was absent on leave, granted to enable him to attend upon the pleasure of the House of Representatives, from the legation at Peking from June, 1878, until June, 1879. On April 23, 1879, when about to return to his mission, he was specially instructed that, as the Chinese ministers in this country were understood not to have been furnished with powers or instructions to treat in regard to question, growing out of the presence of their people in California, it was necessary to conduct the negotiations on that subject in Peking.

The character of the Chinese movement toward our Pacific coast and the contract system under which much of it was believed to be conducted were specifically called to his attention, and he was informed that the government shared the apprehensions entertained on the Pacific coast, that social and political derangements might result from an excessive increase of that population. He was instructed to press earnestly upon the Chinese Government the grounds of this apprehension, and to invite a full and frank discussion as to the proper course of negotiation to relieve it. But as our own people resident in China enjoy many important treaty privileges, and as it was desirable to work out the results sought without disturbing the good feeling now existing between the two countries or impairing the opportunities and prospects inuring to us under existing treaties, he was directed to ascertain, with precision, the disposition of the Chinese Government, and to give assurances which would enable us to proceed with such further negotiations as might be deemed advisable.

No information has yet been received which enables me to say more than that our representations have been accepted in an amicable spirit and with respectful consideration, and that a satisfactory solution can be reasonably anticipated from the negotiations thus opened and in progress.

No communication on this subject has been had with the Government of Great Britain, nor does it seem that it would be either useful or opportune to open such a correspondence until the results of the negotiations with China were more definitively determined, as the only object of such a correspondence would be in reference to certain practical regulations at Hong-Kong, which is the chief point of departure for immigrants from China.

While, therefore, in consequence of the interruption of Minister Seward's residence at Peking, and the intrinsic gravity and difficulty of the subject, no new treaty has yet been concluded, nor the extent to which a concurrence between the two governments may be anticipated has yet been ascertained, still a preparation has been laid for a definite and conclusive disposition of the matter, under the auspices of the diplomatic commission to which the subject is intended to be committed.

In this posture of the incomplete negotiations, it manifestly seems incompatible with the public interests to make public the pending correspondence.

WM. M. EVARTS.

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46TH CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { EX. DOC. No. 71.

CUSTOM-HOUSE AT DETROIT, MICH.

LETTER

FROM

THE SECRETARY OF THE TREASURY,

IN RESPONSE TO

A resolution of the House of Representatives in relation to custom-house property at Detroit, Mich.

MARCH 15, 1880.—Referred to the Committee on Public Buildings and Grounds and ordered to be printed.

TREASURY DEPARTMENT,
March 9, 1880.

HON. SAMUEL J. RANDALL,
Speaker House of Representatives:

SIR: In reply to resolution of the House of Representatives, dated February 18, 1880, calling for certain information relative to the custom-house property at Detroit, Mich., I have the honor to inform you that the size of the lot on which the building in question is located is 120 feet by 110 feet, and was purchased November 13, 1855, for $24,000.

The building is four stories and a basement, its exterior dimensions being 110′ 0″ by 59′ 9″, containing rooms of the sizes shown by the inclosed sketch, occupied as follows:

	Rooms.
Basement.	
Lavatory, water-closets, and post-office	7
First floor.	
Post-office	5
Second floor.	
United States court officers	5
Customs officers	3
Lavatory, vault-room, closets, &c.	
Third floor.	
Court-room and court offices	7
Steamboat-inspection service	2
Fourth floor.	
For inspecting iron (steamboat service)	1
Storage purposes	4

The actual cost of the construction of this building was $182,733, and the cost of alterations and repairs thereto has been $28,101.59, making the total cost to January 1, 1880, including the site, $234,834.59.

The buildings and rooms rented for Federal officers at Detroit are—

	Per annum.
Appraiser's store, at	$300
Customs office, at	250
Life-saving service, at	72
Internal-revenue collector, at	600
Three offices for engineer corps, at	1,880
One office for signal corps, at	264

The comparative amount of business done in the custom-house building by the several offices therein for the year 1861, when the building was first occupied, and the years 1878 and 1879, was as follows:

Customs.

1861	$70,961 27
1878	163,040 79
1879	195,415 41

Steamboat inspection.

1861	1,424 50
1878	6,149 75
1879	6,449 35

Post-office.

1861.	Net revenue	6,202 45
	Expenses	24,382 24
	Gross receipts	30,584 69
1878.	Net revenue	142,804 88
	Expenses	36,059 73
	Gross receipts	178,864 61
1879.	Net revenue	160,255 09
	Expenses	35,812 91
	Gross receipts	196,068 00

United States courts.

1861.	Total number of suits brought	8
	Sui pending	7
	Suits decided for United States	1
	Total amount collected	$566 70
1878.	Number of civil suits, to which the United States was a party, terminated	18
	Amount of judgments in favor of the United States in above suits.	$630 91
	Number of criminal prosecutions terminated	73
	Amount of fines, forfeitures, and penalties imposed	$3,175 00
	Number of civil suits, to which the United States was not a party, commenced during the year	996
	Number terminated	872
	Amount of judgments obtained for plaintiffs in above suits	$2,104,984 73
	None for defendants.	
1879.	Number of civil suits, to which the United States was a party, terminated	6
	Amount of judgments in favor of the United States in above suits.	$21,042 54
	Number of criminal prosecutions terminated	78
	Amount of fines, forfeitures, and penalties imposed	$1,700 98
	Number of civil suits, to which the United States was not a party, commenced during the year	918
	Number of same terminated	728
	Amount of judgments obtained for plaintiffs in above suits	$1,944,900 00
	None for defendants.	

The only unoccupied space on the custom-house lot is situated in the rear of the building, having 38′ 0″ frontage on Larnard street, and extending 120′ 0″ to alley in the rear.

The difficulty of obtaining proper light would be such as to render the unoccupied space, without securing additional land, unavailable for the construction of an addition to the present building. If adjacent lots should be acquired, such an addition could be constructed as would give adequate accommodation to the Federal officers now occupying leased quarters.

Very respectfully,

JOHN SHERMAN,
Secretary.

46TH CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { Ex. DOC. 71, Part 2.

CUSTOM-HOUSE AT DETROIT, MICH.

LETTER

FROM

THE SECRETARY OF THE TREASURY,

TRANSMITTING

Additional information in relation to the custom-house at Detroit, Mich.

APRIL 8, 1880.—Referred to the Committee on Public Buildings and Grounds and ordered to be printed.

TREASURY DEPARTMENT, *April* 3, 1880.

SIR: I have the honor to state that since the date of report submitted to you on the 9th ultimo, in response to a recent resolution of the House of Representatives calling for certain information relative to the custom-house property at Detroit, Mich., this department is advised of the rental of several public offices in that city not embraced in said report.

The following is a corrected statement of buildings or parts of buildings leased at Detroit by the government:

	Per annum.
Appraiser's store	$300
Customs office	250
Life-saving Service	72
Internal revenue	600
Signal Corps	264
Marine Hospital Service	200
Office of paymaster, U. S. A.	225
Engineer Corps, General Comstock	1,200
Engineer Corps, General Weitzel	480
Engineer Corps, Major Harwood	200
Light-house Board, 80 Griswold street	345
Light-house Board, 85 Washington Avenue	480
Pension office	472

Very respectfully,

H. F. FRENCH,
Acting Secretary.

Hon. SAMUEL J. RANDALL.
Speaker House of Representatives.

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46TH CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { EX. DOC. No. 72.

DEPREDATIONS ON PUBLIC LANDS.

LETTER

FROM THE

SECRETARY OF THE INTERIOR,

IN RELATION TO

A deficiency in the appropriations for the protection of timber on the public lands.

APRIL 14, 1880.—Referred to the Committee on Appropriations and ordered to be printed.

DEPARTMENT OF THE INTERIOR,
Washington, April 13, 1880.

Hon. SAMUEL J. RANDALL,
Speaker of the House of Representatives:

SIR: I have the honor to transmit herewith copy of a letter from the Commissioner of the General Land Office, dated April 9, 1880, relative to a deficiency of $15,500 in the appropriation for depredations on the public timber, and $2,500 for protecting timber on the public lands.

I respectfully recommend the matter to the favorable consideration of Congress.

Very respectfully, &c.,

C. SCHURZ,
Secretary of the Interior.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., April 9, 1880.

Hon. C. SCHURZ,
Secretary of the Interior:

SIR: The second section of the act of June 3, 1878, "authorizing the citizens of Colorado, Nevada, and the Territories to fell and remove timber on the public domain," provided that it should be the duty of registers and receivers of land offices in mineral districts to ascertain from time to time whether any timber is being cut or used upon any such lands within their respective districts except for the purposes authorized by the act; and said section also provided that the necessary

expenses incurred in making the proper examinations should be paid and allowed such registers and receivers in their quarterly accounts.

Under the instructions of this department, dated August 16, 1878, issued to carry out the provisions of said act, investigations were authorized in the States and Territories named, and by circular of this office, dated March 29, 1879, approved by the department April 1, 1879, the expenses of such examinations were directed to be paid by receivers of public moneys from the proceeds of the disposal of public lands in their respective districts, and receivers were instructed to report such payments in their quarterly accounts, together with the vouchers and subvouchers therefor, for examination and adjustment by this office.

Under date of March 10, 1880, the First Comptroller of the Treasury decided that the expenses so incurred by registers and receivers, and allowed by this office in the adjustment of the accounts of receivers of public moneys, could not legally be paid or deducted from the proceeds of the disposal of the public lands.

The specific appropriation of $40,000 made by Congress for the fiscal year ending June 30, 1880, to meet expenses of protecting timber on the public lands, was a general appropriation, not restricted to particular States or Territories, and was not deemed by this department as applicable to the expenses incurred under the act of June 3, 1878. That appropriation has been exhausted in the payment of the expenses of suppressing timber depredations on the public lands, irrespective of locality, and an approximate deficiency of $2,500 exists in said appropriation for the current fiscal year on this account. The amount of money covered into the Treasury as a result of the operations of the department under that appropriation has largely exceeded the expenditures involved.

The act of June 3, 1878, was restricted to mineral districts, and was deemed to have been especially intended to protect young, growing timber, the premature removal of which is injurious, in a high degree, through climatic effect as well as in economic aspects.

The efforts of the local land officers were accordingly particularly directed to the preservation from unnecessary destruction of such young, growing timber.

By the decision of the First Comptroller already referred to, the expenses incurred in this important service are left unprovided for by any available appropriation.

Meanwhile, such expenses have been actually paid by receivers of public moneys, acting under the instructions of this department, and the amounts so paid now stand charged against such receivers as balances due from them to the United States.

These exp enses were legally and properly incurred by registers and receivers, under the mandatory provisions of the second section of the act of June 3, 1878, and in accordance with their official instructions from this office and department, and the obligation and necessity of providing for the settlement of the accounts for the payment of the same are equally clear and urgent.

The precise amounts due on said accounts cannot now be stated, since the returns for the last quarter of the present fiscal year have not been received and examined.

The amount found to be due up to December 31, 1879, was $7,638. The whole sum of the deficiencies for the fiscal year ending June 30, 1880, will therefore probably not exceed $18,000.

I accordingly respectfully request that the necessary deficiency appropriation be asked for of Congress as follows:

For the settlement of the accounts of receivers of public moneys for

expenses incurred in examination of timber depredations, under the act of June 3, 1878, fifteen thousand five hundred dollars, or so much thereof as may be necessary.

For protecting timber on the public lands, two thousand five hundred dollars, or so much thereof as may be necessary.

I am, sir, very respectfully, your obedient servant,

_____ _____,

Commissioner.

46TH CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { EX. DOC. No. 73.

REMOVAL OF WRECKS.

LETTER

FROM

THE SECRETARY OF WAR,

RELATIVE TO

The removal of wrecks which may obstruct navigation.

APRIL 20, 1880.—Referred to the Committee on Commerce and ordered to be printed.

WAR DEPARTMENT,
Washington City, April 17, 1880.

The Secretary of War has the honor to transmit to the House of Representatives a communication from the Chief of Engineers, United States Army, dated the 14th instant, submitting a proposed substitute for H. R. bills 1176, 1844, and 4188, providing for the removal of wrecks and sunken vessels lying in the course of commerce, and obstructing navigation, &c.; said substitute having been prepared in accordance with the wishes of the Hon. M. L. Clardy, of the Committee on Commerce, as communicated to this department under date of the 2d instant.

This subject being one of much general interest and importance, it is respectfully recommended that this communication and its inclosures be printed.

ALEX. RAMSEY,
Secretary of War.

The SPEAKER
of the House of Representatives.

OFFICE OF THE CHIEF OF ENGINEERS,
UNITED STATES ARMY,
Washington, D. C., April 14, 1880.

SIR: In reply to the reference to this office of the letter of the Hon. M. L. Clardy of the 2d instant, transmitting H. R. bills 1176, 1844, and 4188, and desiring suggestions thereon, I beg leave to submit a draft of a bill containing such modifications and additions to the bills in question as it is thought would constitute a proper substitute for them.

It will be seen that in addition to defining and declaring jurisdiction over navigable waters, this substitute contains provisions for the protection of public works against trespass and injury, and also provides for the regulation of the passage through and use of certain public works therein named, the management of which is placed under the control of the Secretary of War.

The communication of Hon. M. L. Clardy with its inclosures is herewith returned.

Very respectfully, your obedient servant,

H. G. WRIGHT,
Chief of Engineers, Brig. and Bvt. Maj. Gen.

Hon. ALEXANDER RAMSEY,
Secretary of War.

A BILL to declare and define the jurisdiction of the United States over the harbors and navigable waters of the United States, and to protect public works against trespass and injury.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whenever the Secretary of War is reliably informed, or has reason to believe, that in any port of entry of the United States navigation is impeded, or shoals, bars, or other impediments to navigation have been created by reason of the improper extension of wharves, piers, and other structures into harbors or rivers under the authority of local laws, or by individuals without such authority, or that the future usefulness of such harbors or rivers is imperiled by such structures to the injury of commerce, he shall cause to be made, by the Corps of Engineers of the Army, full and complete survey and examination of such harbor or river, and plans and descriptions thereof, showing the depth of water in the same, and the location, size, and description of all piers, wharves, and other structures and obstructions therein, and the extent to which the same encroach upon the channels and waterways used for navigation; and, further, to lay down and mark on such plans and descriptions lines which should limit the boundaries within which any wharf, pier, or other obstruction shall thereafter be erected, constructed, placed, or projected in any harbor or navigable stream. And such plans and descriptions shall be on a scale and of a kind to be fixed by the Secretary of War, so that they may be easily understood and examined by all parties interested; and the Secretary of War shall be, and is hereby, authorized, upon the application of the governor of any State, or the municipal authority of any city, town, or county to which the harbor or navigable waters of any such plan and description pertain, to have the same lithographed, or otherwise copied, at the expense of said State or municipal authority, and to supply such number of copies thereof as they may require.

SEC. 2. If it shall be found by the officers making such surveys, examinations, plans, and descriptions, that there are any existing wharves, piers, or other obstructions in any harbor or navigable waters surveyed, examined, planned, and described by them, which are injurious to, and impede the navigation thereof, by being situate beyond the lines established by them, they shall so report to the Secretary of War, to the end that proper steps may be taken by Congress for the removal of the same, by compensation to the owners thereof, if the same have been erected by State or municipal authority, or, if not erected by such authority, then to take order for the removal thereof as nuisances by proper legal proceedings.

SEC. 3. It shall further be the duty of the Secretary of War, when he is reliably informed that in any port or harbor of the United States navigation is about to be impeded by the improper extension of wharves, piers, or other structures, to give notice to the party or parties about to make such wharves, piers, or other structures, that he will order an im-

mediate survey of such harbor; and when such notice has been given it shall not be lawful for such party or parties to proceed in the erection of such wharves, piers, or other structures.

SEC. 4. That no bridge shall be built and extended across any navigable river until a plan in duplicate, showing the location and situation thereof, has been presented to the Secretary of War and approved by him; and his approval, if given, shall be certified on one of said plans, and the duplicate thereof shall be retained and preserved in the War Department: *Provided*, That this act shall not be construed so as to give authority to erect such bridge without an act of Congress.

SEC. 5. And whereas harbors and navigable waters of the United States are frequently injured and obstructed and the navigation thereof impeded by wrecked and sunken vessels, and no competent or effective authority now exists for the removal of the same, it is further enacted that all wrecks and sunken vessels or other obstructions now or hereafter sunk or lying in the paths of navigation and commerce shall, after twenty days from the time of the accident or disaster causing such wreck, be considered abandoned by the owner or owners thereof, unless such owner or owners shall buoy and light the same and notify the officer or agent having the supervision on the part of the United States of any works in progress for the improvement or preservation of the navigable waters, or of other work of improvement at or near the locality at which such wreck or obstruction may occur, or in their absence the collector or other chief officer of customs in the nearest customs-district, as the case may be, of his or their intention to remove the same; and in the failure on the part of said owners to give notice of intention to remove such wreck, sunken vessel, or other obstruction within the time specified, it shall be the duty of said officer, agent, or collector of customs as aforesaid, and they are hereby authorized, to enter upon and seize such wrecked or sunken vessel or other obstruction, and to proceed without delay to remove the same, and thereupon to cause the remains of such wrecked or sunken vessel to be sold at public sale, giving ten days' notice of such sale by public advertisement, and pay the proceeds of such sale into the Treasury for the use of the United States; and in case of failure on the part of the owner or owners to remove such wreck, sunken vessel, or other obstruction within forty days after giving such notification of intention, unless prevented by floods or other sufficient cause, it shall be the duty of said officer, agent, or collector of customs to seize the same and proceed in the manner above specified. And in case there be no public funds disposable for the purpose of such removal, it shall be the duty of said officer, agent, or collector of customs, as the case may be, to inform the chief of his department thereof, in order that special estimates may be submitted to Congress for the necessary appropriation for the removal of such obstruction.

SEC. 6. That it shall not be lawful to cast, throw, empty or unlade, or cause, suffer, or procure to be cast, thrown, emptied or unladen, either from or out of any ship, vessel, lighter, barge, boat or other craft, or from the shore, pier, wharf, or mills of any kind whatever, any ballast, stone, slate, gravel, earth, rubbish, wreck, filth, slabs, edgings, sawdust, or other mill-waste of any kind, into any port, road, roadstead, harbor, haven, navigable river, or other waters of the United States for the improvement of which Congress has already made or may hereafter make appropriations, or to deposit or place, or cause, suffer, or procure to be deposited or placed any ballast, stone, slate, gravel, earth, rubbish, wreck, filth, slabs, edgings, sawdust, or other mill-waste in any place or situation on shore where the same shall be liable to be washed into any

navigable waters, either by ordinary or high tides, or by storms or floods, or otherwise: *Provided*, That nothing herein contained shall extend or be construed to extend to the casting out, unlading, or throwing out of any ship or vessel, lighter, barge, boat, or other craft, any stones, rocks, lime, bricks, or other material used or to be used in or toward the building, repairing, or keeping in repair, any quay, pier, wharf, weir, bridge, building, or other work lawfully erected or to be erected on the banks or sides of any port, harbor, haven, channel, or navigable river, or to the casting out, unlading, or depositing of any material excavated for the improvement of navigable waters into such places and in such manner as may be deemed by the United States officer supervising said improvement most judicious and practicable and for the best interests of such improvements.

SEC. 7. That it shall not be lawful for any person or persons to take possession of, or make use for any exclusive purpose, build upon, alter, deface, injure, obstruct, or in any other manner impair the usefulness of any sea-wall, bulkhead, jetty, wharf, pier, or other work built by the United States for the preservation and improvement of any of its navigable waters or boundary marks, tide-gauges, surveying stations, buoys, or other established marks, nor remove for ballast or other purposes any stone or other material composing such works.

SEC. 8. That every person, persons, or corporation offending against the provisions of this act shall, for each and every such offense, forfeit and pay a penalty of two hundred and fifty dollars (one-half on conviction of the offender to be paid to the informer), besides such further sum as may be found in any action for the recovery of the penalty or penalties incurred under this act to be the expense of making good the damage incurred, or of removing to a proper place the things deposited in violation of this act, such penalties to be recoverable by and in the name of the United States of America, with costs, in any circuit or district court of the United States, at the suit of any district attorney of the United States, or at the suit of any person, by information to any district attorney in any district where or near to where the offense shall have been committed or the offender shall be.

SEC. 9. That it shall also be the duty of officers and agents having the supervision, on the part of the United States, of the works in progress for the preservation and improvement of said navigable waters, and, in their absence, of the United States collector of customs and other revenue officers, to enforce the provisions of this law by giving information to the district attorney of the United States nearest to the place where any violation of any provision of this act shall have been committed.

SEC. 10. That the Secretary of War is hereby directed to assume full control over the Des Moines Canal, on the Mississippi River, and the Louisville and Portland Canal, at the Falls of the Ohio, and over the Saint Mary's Falls Canal, Lake Superior, the Saint Clair Flats Canal, and the Harbor of Refuge at Sand Beach, Lake Huron, so far as may be necessary to control the passage through and use of those works; and he may establish such regulations as he shall deem needful to regulate the movement of vessels through and in them so as to avoid damage to vessels and injury to the public improvements at those places; and he will cause such regulations to be promulgated by public notice thereof given in such newspapers as he may deem most suitable to give them the greatest publicity, and such regulations may in like manner be changed from time to time; and any person interfering with or obstructing, or attempting to obstruct, the free use of such improvement, in

violation of the regulations aforesaid, shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not exceeding five hundred dollars, or imprisonment for not more than six months, or both, at the discretion of the court.

SEC. 11. With a view to carrying out the provisions of this act, the Secretary of War is hereby required to include in the annual estimates to be submitted by him to Congress such sum as may, in his judgment, be necessary to enable him to comply therewith: *Provided*, That none of the surveys or examinations contemplated by this act shall be commenced until a special estimate shall have been submitted therefor by the officer detailed to make such examination or survey, and such estimate shall have been approved by the Secretary of War.

H. Ex. 73——2

46TH CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { Ex. Doc. No. 74.

A. H. EMERY.

MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

TRANSMITTING

Papers in the case of A. H. Emery.

APRIL 20, 1880.—Referred to the Committee on Claims and ordered to be printed.

EXECUTIVE MANSION,
Washington, D. C., April 16, 1880.

To the House of Representatives:

The board for testing iron, steel, and other metals, appointed under the authority of "An act making appropriations for sundry civil expenses of the government for the fiscal year ending June 30, 1876, and for other purposes," contracted with Mr. A. H. Emery, of New York, for a testing-machine, to be paid for out of the appropriation made for the purpose. That machine has been completed and accepted, and is now in position at the Watertown Arsenal, Massachusetts. It is spoken of by the members composing the late board as the most perfect and reliable machine in the world, embodying new mechanical principles and combinations not heretofore used in any other constructions.

In designing, perfecting, and making this machine, the contractor has expended large sums of money over and above the contract price, besides giving years of labor for which he has received no compensation. He now appeals to Congress for relief, and the papers herewith exhibit a case that calls for Congressional action. It is respectfully submitted to the House of Representatives, recommending speedy and favorable consideration.

R. B. HAYES.

WAR DEPARTMENT,
Washington City, April 14, 1880.

SIR: I have the honor to return the papers in the claim of Mr. A. H. Emery.

These papers have been referred to the Chief of Ordnance, and your attention is invited to his indorsement, and to that of Colonel Laidley, president of the late board on steel and iron, as well as to the views of some of the members of the board.

This is a case that calls for Congressional action. These papers show that it is one deserving favorable consideration.

The country is now in possession of the most perfect testing-machine in the world. The use of metals in all kinds of constructions, both private and public, demands so accurate a knowledge of their qualities as can only be determined by just such a machine as this, and its determinations will be of the greatest value to one of the most extensive industries in which our people are engaged.

It appears to me that liberal action on the part of Congress towards one of our citizens who has lost so much in faithfully carrying out his contract, would be but proper and equitable.

Colonel Laidley and other members of the board, who are thoroughly cognizant of all the facts, name $200,000 as not excessive, "or more than sufficient to pay the contractor for his unusual devotion to the interests of the government."

I respectfully recommend reference of these papers to Congress with request for speedy and favorable action.

Very respectfully, your obedient servant,

ALEX. RAMSEY,
Secretary of War.

The PRESIDENT.

WASHINGTON, D. C., *March* 27, 1880.

The President of the United States:

SIR: I desire to call your attention to the letter of the president of the board for testing iron and steel of date February 10, 1878, and addressed to you, recommending Congress to appropriate moneys to reimburse A. H. Emery for losses on his contract for the testing-machine built by him for the government, and I inclose herewith additional papers, bearing on the subject, for such reference and action as you may deem proper.

Very respectfully, your obedient servant,

A. H. EMERY.

Memorial in claim of A. H. Emery for loss, allowance, and use of patents in constructing testing-machine.

In the matter of the claim of A. H. Emery against the United States Government.

WASHINGTON, D. C., *ss.*

A. H. Emery, being duly sworn, deposes and says that he is a civil engineer, of the city of New York, and that he has for the past 28 years been engaged in the study and practice of civil engineering, and most of this time engaged in such experimental work as gave him a much better training to design and construct new and difficult work than that of most engineers of his age, or equal length of practice; said deponent further states that on July 24, 1873, after he had spent more than two years in the study and experimental development of a new weighing-machine, and the study and design of testing-machines, the Ordnance Department of the United States requested him to furnish it with detailed drawings and description of a powerful machine for testing the strength, tensile, crushing, and torsional, of metals and woods, with a view to purchase by them, to which he replied on July 28, following,

and immediately set to work with increased force, and the utmost diligence, to master the whole subject in such a way as to design the best machine practicable; in doing which he added to the one draftsman he then had, two engineers, and that they all pushed the drawings of the studies and designs which he made of testing-machines as rapidly as possible, that he might know how best to design a machine for the government, and that before these studies were complete, and in November, 1873, he was urged to make a proposal to the said department for the machine they desired, which he did on December 10 of that year, which proposal was accepted and the machine ordered on December 24, 1873. Deponent further states that the principal things fixed in this order were, first, the size, which was fixed at 400 net tons for loads of tension or compression, or specimens up to 30 feet in length; second, the general dimensions of some of the principal parts of the machine, and what should be furnished with it; third, the quality of the work, the tests it should bear, &c., and lastly the price, which was to be $25,000, exclusive of foundations, and that it was then supposed by him that the metal work of the machine would be about 80,000 pounds in weight when all completed. Deponent further states that the drawings of this machine were commenced at once and pushed as fast as could be done with due regard to the perfection of the work, which to bring to the point he thought desirable required altering over and over again, until in the perfecting and arranging the different parts with each other the whole machine was drawn on an average nearly or quite three times, in doing which he arrived at greater perfection of design than is usually done in building machines over many times in the shop; but he had also done two other things: first, in thus perfecting the machine he had raised its weight to nearly double that intended when it was ordered; second, he had spent upon the drawings more than four times the amount of time and money he had expected to when the design was commenced. Deponent further states that when the design was nearly made it was proposed to have a board appointed by the President to take charge of and make experiments on iron, steel, and other metals, and that he was then (in February, 1875), requested by the Chief of the Ordnance Department to go to Washington for consultation, which he did, and that he was there requested to suspend work in the shops until the question of the appointment of a board was determined, which question was settled by the appointment of a board by the President under direction of Congress, with instructions to contract for a machine, and to make experiments with a view to the formation of correct tables and formula to show the true properties and strength of materials, and that this board then took the place of the Ordnance Department as regards this machine, and the sum of $6,500 was added to said contract price for some additional apparatus, which the board desired furnished therewith, and a new contract was made therefor, thus changing the price from $25,000 to $31,500, and increasing the weight of the machine about 10 per cent., and rendering necessary some alterations in the rest of the machine, for which additional drawings were prepared, and the work pushed as rapidly as practicable. Said deponent further states that as the work progressed alterations and changes in different parts thereof were found desirable and necessary, and that it became necessary to make some special tools and apparatus with which to construct and test various parts of the work, and that during and in the progress of making and testing this machine numerous difficulties came up, many parts having to be made over and over again; and that while, before designing, the machine was expected to contain about 80,000 pounds of metal, it really contains about 170,000 pounds,

so much has it been improved and altered in the design and construction from what was intended when first ordered; and that owing to this change of form and size, and the numerous difficulties of construction, many parts being condemned and made over or altered often several times, there was really put into the furnace and forges to construct this machine more than twice this 170,000 pounds, and more than four times the 80,000 pounds originally intended to be in it. Deponent also states that to save the time of explaining or even alluding to the many difficulties which came up in this construction, and yet that they may in some measure appear, and also to show how persistently and faithfully he worked for, and to what extent he overcame them, he makes the following extracts from the letter of the president of the board to the President of the United States, bearing date February 10, 1879:

In the plans designed by Mr. Emory he adopted new principles, in the working out of which he met, as is always the case under such circumstances, with great and unlooked for difficulty. In overcoming these difficulties Mr. Emory has spent more money than he has received for the entire machine, to say nothing of his other expenses, time, labors, &c. He has throughout, in the performance of his part of the contract, shown a greater desire to make the machine perfect in all its details than to complete the work and obtain his money. The result of this unusual devotion is, that the United States has at this time a more perfect machine than was called for by the terms of the contract.

This machine combines the qualities of power and delicacy to an extent hitherto unknown, and is equally adapted to the testing of the ultimate strength of an iron bar 30 feet in length and 5 inches in diameter, and of a piece of wire of the finest size drawn, 1 inch long, and is capable of giving the exact strain of rupture of each. This is more than can be said of any other machine now in existence; in fact, its capabilities and the ease with which the greatest strains are applied are such as to pass even the bounds of belief of those who have not witnessed its operation.

The said deponent further states that this machine was finished and accepted by the board on February 8, 1879, though he has spent some time and money for it since, of which he mentions the furnishing, subsequent to its acceptance, of an extra set of bronze nuts at a cost of nearly $1,000, because it was found they were very much needed, and the board had no money to purchase them with, and that they are shown as a part of the cost of the machine in Exhibit N. Said deponent further states that he worked faithfully and continuously to design and produce this machine most of his time from July, 1873, to February, 1879, to the very great, and he fears permanent, injury of his health, and to the entire neglect of all business and interests not connected therewith, thus showing a direct cost of about five and one half years of his time, to which should be added at least a portion of the two years previously spent in the study and experiments of, and for scales and testing machines, which study and expense have so far been of no farther avail than the construction of this machine, to produce which he has spent, including interest paid and yet to be paid, the following sums, as shown by Exhibits A to P, inclusively, these expenditures being here shown in yearly statements, beginning with the year ending January 1, 1875, and ending with the year ending January 1, 1880, the last being that in which the machine was completed, accepted, and paid for, to the extent the contract provided; each of these yearly statements being obtained by taking from the different exhibits presented herewith the amount of payments shown in each for that year, and adding to such payments interest at the rate of 7 per cent. per annum from the time of these payments until the close of the year in which they were made, which sum is then added to the amount of expenditures previously shown, with interest for that year,

which together make up the sums expended and shown by yearly statements as follows, to wit:

Prior to January 1, 1875, shown in Exhibits A, B, D, I, J, and L, the sum of $9,600.05, with $147.84 interest	$9,747 89
Interest on this one year, to January, 1876	682 35
Payments shown in Exhibits B, C, D, H, I, J, K, L, M, and P during 1875, with interest to 1876, the sum of $14,443.20, with $418.61 interest	14,861 81
Making payments and cost shown to January, 1876	25,292 05
Interest on this one year, to 1877	1,770 44
Payments shown in Exhibits B, C, D, E, F, G, H, K, L, M, O, and P during 1876, with interest to 1877, the sum of $28,157.57, with $1,373.07 interest	29,530 64
Making cost and payments shown to 1877	56,593 13
Interest on this one year, to 1878	3,961 52
Payments shown in Exhibits B, D, F, H, K, L, M, N, O, and P during 1877, with interest to 1878, the sum of $27,895.28, with $1,218.83 interest	29,114 11
Making payments and cost shown to 1878	89,668 76
Interest on this one year, to 1879	6,276 81
Payments shown in Exhibits B, K, L, M, and N during 1878, with interest to January 1, 1879, the sum of $14,322.54, with $773.64 interest	15,096 18
Making payments and cost shown to 1879	111,041 75
Interest on this one year, to January, 1880	7,772 92
Payments shown in Exhibits D, K, L, M, N, O, and P during 1879, including previous cost not reported above, but shown in these exhibits, with interest thereon to January 1, 1880; in all, the sum of $9,387.50, with $800.53 interest	10,188 03
Making the entire cost shown, with interest up to January 1, 1880	129,002 70

While the receipts from the government on this contract have been as follows:

May 8, 1876	$6,219 00
July 22, 1876	8,646 30
March 31, 1877	9,068 47
March 17, 1877	152 39
June 29, 1877	1,266 75
February 25, 1879	6,199 48
July 2, 1879	100 00
Which was the balance due to make up the contract price, and amounts, in all, to the sum of	31,652 39
To which there should be added an interest account, made up annually at 7 per cent. to January 1, 1880, amounting to the sum of	6,518 44
Which, added to the payments, make	38,170 83

Which sum, being deducted from the cost shown above, leaves a direct loss of $90,831.87, besides his large loss of time, use, and loss of patents, and losses in other directions while neglecting for several years all other business interests to attend to this work. Deponent further states that this great loss of time and money has been and is still a very great hardship to himself, family, and creditors; that a small portion of this cost still remains unpaid, as shown by the exhibits, and that to meet all the rest of this loss he had to borrow the money, which he still owes, with the interest accruing at the rate of 7 cent. per annum; and that in his opinion justice and equity alike demand that the government shall bear this loss of money, and also reimburse him for his risk as a contractor, and that he be paid for his loss of time and the use of his patents and inventions used in said machine.

He also states that as a contractor his risks were very great, and requests that the government pay to him the said direct loss of $90,831.87

and interest thereon from January 1, 1880, until paid, together with an allowance of not less than 20 per cent. of the cost of this contract, to reimburse him for losses and risks as a contractor, which 20 per cent., amounting to the sum of $25,800.54, added to the said $90.831.87 loss, make together the sum of $116,632.41, to which there should be added a liberal sum for losses of time and patents, and for use of patents and inventions in this machine, and that an allowance of 50 per cent. on the cost of the work is not unusual or unreasonable in cases where few machines of a particular kind are wanted, the allowance for the use of the patents often being much more than the cost of the machines; but in this case there are several reasons why an allowance of 50 per cent. of the cost of this work would not be sufficient to properly compensate him for the use of his inventions in this machine, of which he would mention, first, that, as has been shown, more than five years were spent in the study, design, construction, and perfecting thereof, during which time he had to neglect entirely the development of his inventions in all other directions, losing entirely his Austrian, Prussian, and Canadian patents issued on his scales, and taking this five years from the life of all his scale patents, issued in the United States, England, France, and Belgium, making them in this respect much less valuable to put into commercial use, as they will expire so much sooner now while working; and, second, the government is not using the machine at all for the purposes intended when ordered by the Ordnance Department, or for the work intended by the "board for testing iron and steel," but is using it to do the work of private parties and firms, and at such prices as tend to break up and ruin his business of building, selling, and using testing-machines; in proof of which he would state that among the parties for whom the government has thus made tests are two firms each of which had requested him to make for them 1,000 ton machines for tension and compression, for their own use, and that the government had done this work for them, as it had for others, at a price less than they could do it for themselves, if he were to give them machines and set them up free of cost, as even in this case they would have to be at the cost of providing foundations, boiler, and engine, special tools and appliances for the work, and buildings to keep and use them in, also to keep them in order and provide suitable parties to use them, while now they are merely required to pay the direct cost of making the tests after all these things are provided; and deponent further states, that such use of the machine was not intended when it was ordered, and is wholly unwarranted, and is unjust to him in the greatest degree, as he has not been compensated for this machine, or the use of its patents, and that such use comes by reason of an act of Congress passed while he was engaged in setting up this machine. See act of Congress approved June 20, 1878, entitled "An act making appropriations for sundry civil expenses of the government for the fiscal year ending June 30, 1879, and for other purposes," which reads as follows:

"That the Secretary of War is hereby authorized to cause the machine built for testing iron and steel to be set up and applied to the testing of iron and steel for all persons who may desire to use it, upon the payment of a suitable fee for each test; the table of fees to be approved by the Secretary of War, and to be so adjusted from time to time as to defray the actual cost of the tests as near as may be; and, in order to make the final payment on contract for the construction of this machine, the sum of six thousand two hundred and ninety-nine dollars and forty-eight cents of the unexpended balance now remaining on the books of

the Treasury of the appropriation for this purpose is hereby reappropriated and made available therefor."

And deponent further states that such use of this machine tends to hinder and prohibit the said parties and others from purchasing machines of him, or, if they still get them, they will only do so at very low prices, in consequence of the manner and rates prescribed for the use of this machine; and that he can, for this reason, not only sell a less number of machines, and at lower prices, than he otherwise would, but must also build them at an increased cost of each, owing to the smaller production. And he further states that had he known at the outset the great amount of time this machine would consume in its construction, and what unfair use the government would make of it, he would not have built it for the government, even though it had offered to pay three times what the same should cost, and that, should the government pay him, in addition to the said $116,632.41 for losses and allowance, as above mentioned, a sum equal to the direct cost of this work, as $129,002.70, for loss of time and use of patents, making, with the other said sum, the amount of $245,635.11, he would have been much better off financially to have left this contract alone and spend the time and money which he spent upon it in the development of his scales, &c., and that Congress should not only pay him the losses and allowance, as above mentioned, together with an equitable sum for his loss of time and use of patents, but they should also allow the patent issued on the scale of this machine to be extended for seven years to compensate in some measure for the loss of time not used in developing and working it while he was on this contract. And that, as regards the money payment to him, he would much rather, for moneys lost, allowance on contract, use of patents in this machine, and to cover the losses which directly flow from the order of Congress quoted above, giving the public the free use of this machine on the payment of nominal fees, receive *now* the sum of $200,000 than to wait longer and have his business continue in its present embarrassed condition, even were he to get a much larger sum by waiting the action of another Congress or the Court of Claims.

A. H. EMERY.

Subscribed and sworn to before me this 24th day of March, 1880.

[SEAL.] V. McNALLY,
Notary Public.

A.—*Cost of drawings made prior to October* 1, 1874.

In the matter of the claim of A. H. Emery against the United States Government.

CITY, COUNTY, AND STATE OF NEW YORK, *ss:*

A. H. Emery and O. C. Woolson, both being severally and duly sworn, say that on or about October 1, 1874, they together made an estimate of the cost of the drawings at that time made for the testing-machine built by A. H. Emery for the United States Government, and there was then made and nearly finished fifty-two sheets of these drawings, and that forty-three sheets of them had been copied on tracings linen, and that the cost of these drawings and tracings was then estimated to be as follows, to wit:

Fifty-two sheets of drawings	$7,760
Forty-three sheets of tracings	688

Making the total cost of drawings and tracings together the sum of $8,448 (eight thousand four hundred and forty-eight dollars), and that the following is a correct list of the drawings and tracings embraced in the above estimate, to wit:

Mark of plate.

Pl. 30. T. M. 5. General drawings of holders.
Pl. 31. T. M. 5. Details of holders. Top beams Nos. 1 and 2.
Pl. 32. T. M. 5. General drawings of 20″ press.

Pl. 33. T. M. 5. Details of holders (intermediate pieces).
Pl. 34. T. M. 4. Details of holders (bottom pieces and beam block).
Pl. 35. T. M. 5. Details of span-wheels for 20″ press (first driver).
Pl. 36. T. M. 5. Details of forgings for holder and press, pins, and piston rod.
Pl. 37. T. M. 5. 13″.7 hydraulic support (No. 15) for 400-ton scale.
Pl. 38. T. M. 5. Details of 20″ press (cylinder head, &c.).
Pl. 39. T. M. 5. Details for beams for 400-ton machine.
Pl. 40. T. M. 5. General drawings of scale end of 400-ton machine.
Pl. 41. T. M. 5. Details of large screws, their bearings and nuts.
Pl. 42. T. M. 5. Details of press cylinder No. 83 and press compression block.
Pl. 43. T. M. 5. Details of press truck.
Pl. 44. T. M. 5. Details of press truck.
Pl. 45. T. M. 5. First general drawings of machine.
Pl. 46. T. M. 5. General drawings of holder truck.
Pl. 47. T. M. 5. General drawings for driving head for 20″ press and details of bed-plate.
Pl. 48. T. M. 5. Details for forgings for scale end of machine.
Pl. 49. T. M. 5. General drawings of R. 6. H. S. 6.
Pl. 50. T. M. 5. General drawing of automatic screw support.
Pl. 51. T. M. 5. Main stanchion at scale end of machine.
Pl. 52. T. M. 5. General drawings of automatic shaft support.
Pl. 53. T. M. 5. Details of bed-plate for beam stanchion.
Pl. 54. T. M. 5. Details of holder truck.
Pl. 55. T. M. 5. H. S. 6.—H. S. S. 15. Details of hydraulic scale support.
Pl. 56. T. M. 5. H. S. 6.—H. S. S. 15. Details of hydraulic scale support.
Pl. 57. T. M. 5. R. 6. H. S. 6. Details of reducer.
Pl. 58. T. M. 5. R. 6. H. S. 6. Details of reducer.
Pl. 59. T. M. 5. Details of anchor plates for foundations.
Pl. 60. T. M. 5. Details of automatic shaft support.
Pl. 61. T. M. 5. H. S. 6. General drawing of upper part of scale.
Pl. 62. T. M. 5, Details of automatic screw supports.
Pl. 63. T. M. 5. General drawing of left-hand end of scale-beam, &c.
Pl. 64. T. M. 5. General drawing of right-hand end of scale-beam, &c.
Pl. 65. T. M. 5. General drawing of buffer.
Pl. 66. T. M. 5. Details of driving head from plate 47.
Pl. 67. T. M. 5. Details of main track.
Pl. 68. T. M. 5. Details of driving head from plate 47.
Pl. 69. T. M. 5. Connected drawing of levers for making weights.
Pl. 70. T. M. 5. General plan of 400 ton machine on large sheet.
Pl. 12. G. G. T. M. 5. General drawing of hydraulic gage.
Pl. 13. G. R. 5. T. M. 5. Reducer with its details.
Pl. 14. G. V. C. 1. T. M. 5. Two 20″ hydraulic gages in case.
Pl. 15. G. V. C. 1. T. M. 5. Details of piping and valves.
Pl. 16. G. V. C. 1. T. M. 5. Gage valves connections with levers.
Pl. 17. G. V. C. 1. T. M. 5. Connected drawing of pipes, valves, and rods.
Pl. 18. G. 9. V. C. 1. T. M. 5. Details of Pl. 14. of 20″ hydraulic gage.
Pl. 19. G. 9. V. C. 1. T. M. 5. Details of hydraulic gages of plate 12.
Pl. 20. G. V. C. 1. T. M. 5. Details of 20″ hydraulic gage, case No. 22.
Pl. 21. G. 9. 1. T. M, 5. Cast iron case for 20″ hydraulic gage No. 12.
Pl. 22. G. 9. T. M. 5. Detail drawing of wood case for two 20″ g.

Total 52 sheets, with tracings on linen of all these except Nos. 14, 45, 61, 62, 66, 67, 68, 69, and 70, in all 43 sheets of tracings.

A. H. EMERY.
O. C. WOOLSON.

Sworn to before me this 29th day of January, 1880.

HAROLD SMITH, [SEAL.]
Notary Public, New York County.

U. S. ENGINEER OFFICE,
New York, January 30, 1880.

This is to certify that I have examined the inclosed or within list of drawings and from what I know of their quality, and of the study and time required to produce them, I am convinced that the estimated cost, as here given, is not too high, and that they could not have been produced for a less sum.

Q. A. GILLMORE,
Lieutenant-Colonel Engineers, Brevet Major-General.

B.—*Salary of O. C. Woolson subsequent to October* 1, 1874.

In the matter of the claim of A. H. Emery against the United States Government.

CITY, COUNTY, AND STATE OF NEW YORK, *ss:*

O. C. Woolson, a mechanical engineer and draughtsman, of Newark, N. J., being duly sworn says that he was employed by A. H. Emery, of New York City, most of the time from August 16, 1873, to October 1, 1874, on drawings of his testing-machines, scales, and gauges, and that subsequent to this date he continued in his employ for three years, one and two-thirds months, or until November 20, 1877, and that during two years and ten and two-thirds months of this time he was engaged in making drawings of the testing-machine which the said Emery was building for the United States Government, together with drawings of the scale, gauges, and other apparatus connected therewith, and of tools and apparatus to be used in the constructing and testing thereof, and in superintending the construction of this work in the shop, and in making experiments and tests connected with the said machine, and that of the time so employed subsequent to October 1, 1874, for two years and one-half his salary was $2,400 per year, and that for the other four and two-thirds months his salary was at the rate of $2,000 per year, making in all for the said two years, ten and two-thirds months the sum of $6,777.77, all of which he states has been paid to him by the said Emery as follows, to wit:

On December 31, 1874	$436 38
During February, 1875, at different dates	124 50
During April, 1875, at different dates	252 75
During May, 1875, at different dates	507 00
During June, 1875, at different dates	40 50
On July 16, 1875	200 00
During August, 1875, at different dates	150 00
During September, 1875, at different dates	70 00
On October 1, 1875	200 00
On October 25, 1875	150 00
On November 23, 1875	300 00
During January, 1876, at different times	200 00
During February, 1876, at different times	200 00
During March, 1876, at different times	155 00
During April, 1876, at different times	58 80
During May, 1876, at different times	280 00
During June, 1876, at different times	75 00
During July, 1876, at different times	123 37
On August 5, 1876	300 00
On September 5, 1876	5 00
On October 13, 1876	100 00
During November, 1876, at different dates	95 00
During December, 1876, at different dates	72 00
During January, 1877, at different dates	42 00
During February, 1877, at different dates	280 00
On March 31, 1877	100 00
On April 9, 1877	400 00
During June, 1877, at different dates	40 00
During July, 1877, at different dates	483 58
On August 31, 1877	40 00
During September, 1877, at different dates	107 00
During October, 1877, at different dates	45 00
During November, 1877, at different dates	46 00
On December 22, 1877	40 00
And on January 12, 1878, the balance	1,058 89
Making in all the sum of	6,777 77

(Six thousand seven hundred and seventy-seven and $\frac{77}{100}$ dollars.)

O. C. WOOLSON.

Sworn to before me this 29th day of January, 1880.

[SEAL.]

HAROLD SMITH,
Notary Public, New York County.

C.—*Salary of L. Hailer, draughtsman and engineer.*

In the matter of the claim of A. H. Emery against the United States Government.

CITY, COUNTY, AND STATE OF NEW YORK, *ss:*

O. C. Woolson, of Newark, N. J., being duly sworn, says he was engaged as a draughtsman and superintendent for A. H. Emery, of New York, for several years, and that from May 19, 1875, to June 4, 1876, Mr. L. Hailer, a civil engineer, was at work in the employ of said Emery at a salary of $1,500 per year as draughtsman, and that during eleven and one-half months of this time the said Hailer was engaged in making drawings of the testing-machine built by the said Emery for the United States Government, together with drawings of its scale, gauges, and apparatus pertaining thereto, and tools and apparatus to be used in the constructing and testing of said machines, and in testing the accuracy of parts of this work in the shop, and in the construction and testing the dimension gauges and tinplates therefor.

And he further states that on or about June 8, 1876, the said Hailer was discharged and fully paid, and that soon after this the said Hailer left the country for, as he supposes, his home in Germany, and that he does not know where he now is, and thinks he is in Japan. He also states that the books of the said Emery show that for the said eleven and a half months' services rendered as above stated the said Hailer was paid the following sums at the times herein stated, to wit:

During June, 1875, at different times	$45 00
During July, 1875, at different times	80 00
During August, 1875, at different times	65 00
During September, 1875, at different times	75 00
During October, 1875, at different times	157 00
During November, 1875, at different times	90 00
During December, 1875, at different times	70 00
During January, 1876, at different times	290 00
During February, 1876, at different times	70 00
During March, 1876, at different times	60 00
During April, 1876, at different times	10 00
During May, 1876, at different times	140 00
And on June 8, 1876	285 50
Making in all the sum of	1,437 50

(Fourteen hundred and thirty-seven and $\frac{50}{100}$ dollars.)

O. C. WOOLSON.

Sworn to before me this 29th day of January, 1880.

HAROLD SMITH,
Notary Public, New York County.

D.—*Rent of office.*

In the matter of the claim of A. H. Emery against the United States Government.

CITY, COUNTY, AND STATE OF NEW YORK, *ss:*

W. J. Dewey, being duly sworn, says he was for several years in the employ of Edward Mathews as a bookkeeper or clerk, and that he now is employed in a like capacity for the Charter Oak Life Insurance Company, and that from October 1, 1874, to February 1, 1877, A. H. Emery, a civil engineer in said city, occupied an office in the building Nos. 78 and 80 Broadway, at a yearly rental of $450 per year from October 1, 1874, to May 1, 1875; of $425 per year from May 1, 1875, to May 1, 1877, and of $325 per year from May 1, 1877, to February 1, 1879, all of which rents were due and payable quarterly unto the said Edward Mathews until and during the quarter ending May 1, 1877; and all of said rents accruing subsequent thereto were due and payable to the Charter Oak Life Insurance Company; and the said Dewey says that the said Emery paid for such rent to the said Edward Mathews, or to his agents, the following sums, and at the times herein mentioned, to wit:

On December 31, 1874, rent due November 1, with interest	$37 95	
On April 1, 1875, one quarter, to February 1, $112.50, with interest, $1.31	113 81	
On July 28, 1875, one quarter, to May 1, 1875	112 50	
On October 1, 1875, one quarter, to August 1, 1875	106 25	
On March 22, 1876, one quarter, to November 1, 1875, with interest	108 11	
On June 9, 1876, two quarters, to May 1, 1876, with interest	215 15	
On May 17, 1877, on account	200 00	
And on June 30, 1877, balance in full to May 1, 1877	212 83	
Making in all to Edward Mathews the sum of		1,106 60

Besides which there is now due from the said Emery to the said Charter Oak Life Insurance Company for said rent from May 1, 1877, to February 1, 1879, at $325 per year, payable quarterly—seven quarters	$568 75	
On which there is also due for interest thereon accrued up to January 1, 1880	66 65	
Making, together with the rent due		$635 40
And with that paid		1,742 00

And the said Dewey also says that he understood and believes the business of the said Emery during this time, and for some time previous thereto, was designing and building a testing-machine for the United States Government.

WM. J. DEWEY.

Sworn to before me this 29th day of January, 1880.

[SEAL.] HERBERT S. OGDEN,

Notary Public, King's County (Certificate filed in New York County.)

E.—*Bill of hydraulic pump.*

In the matter of the claim of A. H. Emery against the United States Government.

CITY, COUNTY, AND STATE OF NEW YORK, *ss:*

C. E. Bigelow, manager for the Knowles Steam-pump Company, being duly sworn, says that during the years 1875 and 1876 there was built by contract with and for A. H. Emery, of New York City, a *double double-acting* hydraulic pump to go with the testing-machine the said Emery was then building for the United States Government, and that said pump was built by the said Knowles Steam-pump Company at their works at Warren, Mass., and delivered on board the cars at that place, for the sum of $637.38 (six hundred and thirty-seven and thirty-eight hundredths dollars), which sum was paid by the said Emery to the said pump company on September 19, 1876.

C. E. BIGELOW.

Subscribed and sworn to before me this 29th day of January, 1880.

[SEAL.] DAVID J. H. WILLCOX,

Notary Public for Richmond County. (Certificate in New York County.)

F.—*Bill of Colonel Laidley.*

In the matter of the claim of A. H. Emery against the United States Government.

I hereby certify that the following accounts were paid by Mr. A. H. Emery on the dates mentioned, for labor and material, on account of the construction of the testing-machine erected at this arsenal:

October 2, 1876. A. T. Brewer, labor	$15 12	
October 2, 1876. J. G. Campbell, labor	101 06	
October 2, 1876. J. W. Harvey, labor	101 75	
		$217 93
April 7, 1877. W. A. Martin, screws	3 30	
April 7, 1877. Stetson & Pope, hard pine lumber	199 28	
		202 58
July 3, 1877. J. L. Sands, brick	42 00	
July 3, 1877. J. G. &. N. G. Gooch, cement	33 30	
		75 30
Total		495 81

T. T. S. LAIDLEY,

Colonel of Ordnance, Commanding.

WATERTOWN ARSENAL, *February* 13, 1880.

G.—*Bill of Charles E. Emery.*

In the matter of the claim of A. H. Emery against the United States Government.

CITY, COUNTY, AND STATE OF NEW YORK, *ss:*

Charles E. Emery, an engineer, in the city of New York, being duly sworn, says that in June, 1875, he sold unto A. H. Emery, of said city, an invention which the United States board for testing iron and steel desired him to introduce in the testing-machine he was then building for the United States Government, which invention was for the purpose of neutralizing the packing friction in hydraulic presses and gauges, and was to be used in that part of the machine known as the diagram apparatus, and that for the right to use the said invention in the said machine, and in another machine which he might design and build to take the place thereof, he was to pay deponent the sum of $2,000 (two thousand dollars), which sum he did pay to him on February 21, 1876.

CHAS. E. EMERY.

Sworn to and subscribed before me this 29th day of January, A. D. 1880.

[SEAL.] LEONARD A. GIEGERICH,
Notary Public, New York County.

H.—*Salary of S. Cockshaw.*

In the matter of the claim of A. H. Emery against the Government of the United States.

CITY AND COUNTY OF NEW YORK, *ss:*

Sidney Cockshaw, being duly sworn, says that he is a mechanical draftsman, of New York City, and was employed by A. H. Emery, of said city, as a draftsman, from April 21, 1875, until June 2, 1877, 611½ days, of which 575.5 days were spent upon drawings of the testing-machine which he was then building for the United States Government, and upon the scales, gauges, apparatus, and tools connected therewith, or to be used in the construction and testing thereof, for which services I was paid the sum of three dollars per day, making for the said 575½ days the sum of $1,726.50 (seventeen hundred and twenty-six and one-half dollars), which sum was paid to me as follows, to wit:

During May and June, 1875	$60 00
During July, August, and September, 1875	155 00
During October, November, and December, 1875	275 00
During January, February, and March, 1876	175 00
During April, May, and June, 1876	194 00
During July, August, and September, 1876	180 00
During October, November, and December, 1876	205 00
During January, February, and March, 1877	155 50
During April, May, and June, 1877	130 00
During July, on and before the 16th, 1877	197 00
Making in all the sum of	1,726 50

as above mentioned.

SIDNEY COCKSHAW.

Sworn to before me this 23d day of January, 1880.

[SEAL.] WM. PEET, JR.,
Notary Public, Kings County. (*Certificate in New York County.*)

I.—*Salary of M. Randolph.*

In the matter of the claim of A. H. Emery against the United States Government.

CITY, COUNTY, AND STATE OF NEW YORK, *ss:*

M. Randolph, of the city of New York, being duly sworn, says that he was employed by A. H. Emery of said city, as a draftsman, from July 19, 1873, to August 7, 1875, at work on his testing-machines, scales, and gauges, therefor, and that subsequent to October 1, 1874, he was thus employed on the testing-machine built by the said Emery for the United States Government, together with its scale and gauges, two

hundred and twenty-five days at $4 per day, for which services he was paid by the said Emery as follows, to wit;

During October, November, and December, of 1874, the sum of	$300 00
During January, February, and March, 1875	247 00
During April, May, and June, 1875	257 00
During July and August 7, 1875	96 00
Making in all the sum of (nine hundred dollars)	900 00

M. RANDOLPH.

Sworn to before me this 29th day of January, 1880.
[SEAL.]

L. RINDSKOPF,
Notary Public, New York.

J.—*Salary of Eugene J. Jerzmanowski.*

In the matter of the claim of A. H. Emery against the Government of the United States.

To whom it may concern:

I hereby certify that I, Eugene J. Jerzmanowski, am an engineer and draftsman, and was in the employ of A. H. Emery, of New York City, as a draftsman most of the time from August 4, 1873, to March 30, 1875, on drawings of his testing-machine, scales, and gauges; and that subsequent to October 1, 1874, and between this time and March 30, 1875, I was employed on drawings of the testing-machine he built for the government, or, on its scale and gauges, for the period of eighty-three days, at a salary of $4 per day, for which I received payment as follows, to wit:

On December 31, 1874	$220 00
On February 13, 1875	72 00
On April 21, 1875	40 00
Making in all the sum of (three hundred and thirty-two dollars)	332 00

Given under my hand this 22d day of January, 1880.

EUGENE J. JERZMANOWSKI.

STATE OF NEW YORK,
City and County of New York, ss:

On this 22d day of January, 1880, personally appeared before me Eugene J. Jerzmanowski, known to me to be the individual described in and who executed the foregoing instrument, and acknowledged that he executed the same and that its contents were true.
[SEAL.]

HAROLD SMITH,
Notary Public, New York County.

K.—*Salary of A. H. Emery.*

In the matter of the claim of A. H. Emery against the United States Government.

CITY, COUNTY, AND STATE OF NEW YORK, *ss:*

A. H. Emery, being duly sworn, deposes and says that he is a civil engineer of the city of New York, and that from December, 1873, until February 10, 1879, he was engaged in designing, constructing, testing, and other work connected with the testing-machine which he designed, built, and erected at Watertown Arsenal, Massachusetts, and that he would not devote his time to any enterprise for the sum of $5,000 per year, as he could not do so without neglecting valuable enterprises by which he would suffer large loss from the non-development thereof; but as a contractor to furnish said machine, it was necessary to employ some one to design and superintend the construction and testing thereof, and that he had been unable to employ any other suitable party to do this work, and had, therefore, attended to it himself, as above stated, and that he does not know or believe any suitable party could have been employed to do this work for the said $5,000 per year, and this sum should be allowed to him as a salary to partially compensate him for his time while so engaged. And deponent further states that said sum should be considered, and is, a part of the direct

cost of the machine, and is included for nine months from December, 1873, to October 1, 1874, in the cost of drawings shown in Exhibit A, and that no part thereof is shown in any other exhibit than this, and that the remainder of this said $5,000 per year from October 1, 1874, to February 10, 1879, amounts to the sum of $21,805.55 (twenty-one thousand eight hundred and five and $\frac{55}{100}$ dollars), and should, in making up the interest account, be considered as due, and paid quarterly during this time, and that while this sum is not sufficient to compensate him for his time, as shown above, it was really insufficient to cover his necessary expenses incurred during this period in connection with the inventions used in said machine, and for the necessary expenses of himself and family while he was so engaged, so that in allowing this sum as a part of the cost of this machine, he still loses his time from the development of his other enterprises, and is thereby a large loser, as shown above.

A. H. EMERY.

Sworn to before me this 20th day of March, 1880.
[SEAL.]

HAROLD SMITH,
Notary Public, New York County.

L.—*Bill of sundries.*

In the matter of the claim of A. H. Emery against the United States Government.

CITY, COUNTY, AND STATE OF NEW YORK, *ss:*

A. H. Emery, being duly sworn, deposes and says that he designed and constructed for the United States Government a testing machine which was erected at Watertown Arsenal, Massachusetts, and that in the prosecution of this work he incurred various sundry expenses connected therewith, such as traveling expenses, freights, timber for use in connection therewith, testing, &c., hydraulic piping, steam and oil piping, and fittings, packing lathes, lining cylinder of straining press, office expenses, gauges, copper piping, &c., amounting in the aggregate to the sum of $3,441.83 (three thousand four hundred and forty-one and $\frac{83}{100}$ dollars), and that all these expenses are given and shown in detail in the statement inclosed herewith, and were for the purposes mentioned herein, and were paid at the dates respectively mentioned. Deponent further states that for some of these expenditures, such as traveling expenses, and some of the smaller items, he never had any bills, but did have for most of these expenditures, and that they are presented herewith in a package marked, "Bills in claim of A. H. Emery against the U. S. Government in Exhibit L.—Bill of sundries," each of said blils themselves bearing the indorsement, "Original—No. [ ] in Exhibit L, Claim of A. H. Emery," the brackets containing the numbers given to these bills in the statement; and that none of these expenses are shown or included in any other exhibit. O. C. Woolson, being duly sworn, deposes and says that he was employed by the above-mentioned A. H. Emery as a draftsman and superintendent during several years of the time in which the said Emery was designing, constructing, and testing the above-mentioned testing-machine; and the said Emery and the said Woolson, each separately and for themselves, depose and say that the books and accounts of the said Emery show all the expenditures mentioned in the inclosed statement, amounting to the said sum of $3,441.83. And said deponents further state, that the said statement is, for the purpose of identification, marked on the back, "Claim of A. H. Emery against the U. S. Government in Exhibit L.—Bill of sundries in cost of the government testing-machine," and is indorsed at the bottom on the inside, "Correct statement of sundry expenses incurred by A. H. Emery in connection with designing, constructing, and testing the testing-machine built by him for the United States Government," and that said indorsement is signed by the said Emery and the said Woolson. And the said Emery and the said Woolson, each of them, depose and say, that all the expenditures mentioned in the said statement were believed to be necessary to the proper design, construction, and testing of said machine, and in connection therewith, and that they were, as shown by said statement, of the following amounts, for the time herein shown, to wit:

During 1873 and 1874 to January 1, 1875	$157 72
From January 1, 1875, to April, 1875	129 18
From April 1, 1875, to July 1, 1875	171 12
From July 1, 1875, to October 1, 1875	373 98
From October 1, 1875, to December 31, 1875	386 12
From January 1, 1876, to April 1, 1876	241 35
From April 1, 1876, to July 1, 1876	260 10
From July 1, 1876, to October 1, 1876	332 76
From October 1, 1876, to January 1, 1877	186 49
From January 1, 1877, to April 1, 1877	315 60

From April 1, 1877, to July 1, 1877	$350 26
From July 1, 1877, to October 1, 1877	115 29
From October 1, 1877, to December 31, 1877	30 22
From January 1, 1878, to April 1, 1878	89 51
From April 1, 1878, to January 1, 1879	240 14
From January 1, 1879, to February 15, 1879	61 99
Making in all the sum of	3,441 83

(Three thousand four hundred and forty-one dollars and eighty-three cents, exclusive of interest.)

A. H. EMERY,
O. C. WOOLSON.

Duly and severally sworn to by the subscribers, before me, March 22, 1880.
[SEAL.] HAROLD SMITH,
Notary Public, New York County.

M.—*Salary of J. E. Howard, assistant engineer.*

In the matter of the claim of A. H. Emery against the United States Government.

CITY OF BOSTON, COUNTY OF SUFFOLK AND STATE OF MASSACHUSETTS, *ss:*

J. E. Howard, being duly sworn, says that he is a civil engineer, and that he was employed by A. H. Emery, of New York City, from August 16, 1875, to February 16, 1879, as an assistant engineer, while constructing, testing, and erecting the testing-machine built by said Emery for the United States Government, and that two years eleven and one-sixth months of this time he was employed at Chicopee, Mass., partly in the office and partly in the shop, making drawings and computations and doing other office work, also in superintending, aiding, and assisting in constructing, experimenting, testing, and other work in the shop, all of which said work, occupying said two years eleven and one-sixth months, was believed to be necessary and essential to the proper construction of the said testing-machine; and deponent further says that for said services he has been paid the following sums, and at the times herein given, to wit:

During September, October, November, and December, 1875, at various dates	$165 00
During January and February, 1876	90 00
During April and May, 1876	100 00
During July and August, 1876	112 00
During September and October, 1876	120 00
During November and December, 1876	115 00
During January and February, 1877	175 00
During March and April, 1877	160 00
During May and June, 1877	85 00
During July and August, 1877	195 00
During September and October, 1877	95 00
During November and December, 1877	177 00
During January and February, 1878	195 00
During March and April, 1878	120 00
During June, July, and August, 1878	271 00
During September and October, 1878	92 00
Making in all the sum of	2,267 00

Which is $900 per year for two years, and $467, or at the rate of $500 per year, for the eleven and one-sixth months for which there is also due and to be paid to him the additional sum of $372.22, making the salary for this time also $900 per year, which said sum of $372.22 will be due and payable when said Emery shall have been reimbursed by the government for the cost of the said testing-machine, making the total payments made and to be made together of the sum of $2,639.22.

JAMES E. HOWARD.

Subscribed and sworn to before me this 11th day of March, A. D. 1880.
[SEAL.] GEORGE M. AMERIGE,
Notary Public.

N.—*Bills South Boston Iron Company.*

In the matter of the claim of A. H. Emery against the United States Government.

CITY, COUNTY, AND STATE OF NEW YORK, *ss:*

William P. Hunt, being duly sworn, deposes and says that he is the treasurer of the South Boston Iron Company, a company duly organized by law in the city of Boston, Mass., and that during the years 1875 to 1879, inclusive, the said South Boston Iron Company was employed by A. H. Emery, of New York City, to construct some parts of the testing-machine which he built for the United States Government, and to furnish labor and materials therefor. And that in the prosecution of this work the said company did furnish various amounts of labor, materials, castings, &c., all of which were charged for at the rates and prices agreed upon, which rates and prices were just and equitable and believed to be necessary to the proper construction of said machine. Said deponent further says that bills of this work were presented the said Emery from time to time, and audited by him as correct, and were all settled by him on October 4, 1877, and March 18, 1879. Said deponent further states that the amount of these bills were in the aggregate of the amount of $8,500.17 (eight thousand five hundred and $\frac{17}{100}$ dollars), which amount was paid as follows, to wit:

On October 4, 1877	$250 00
On February 7, 1878	7,256 00
On July 21, 1879	994 17
Making in all the sum of	8,500 17

Deponent further states that a correct copy of these bills, showing their items in detail with their settlements and payments indorsed thereon, is presented herewith, and that this said copy is indorsed at the bottom "Correct copy of bills presented to A. H. Emery for labor, materials, &c., furnished on and for the testing machine built by him for the United States Government and paid as above shown. Alexander Paul, bookkeeper, South Boston Iron Company, Wm. P. Hunt, treasurer South Boston Iron Co.," and on the back thereof "Claim of A. H. Emery against the U. S. Government in Exhibit N.—Bills South Boston Iron Co."

WM. P HUNT.

Subscribed and sworn to before me this 13th day of February, A. D. 1880.
Witness my hand and official seal.
[SEAL.]

MOSES M. ROBINSON,
Notary Public, New York County.

O.—Bills Nashua Iron and Steel Company.

In the matter of the claim of A. H. Emery against The United States Government.

CITY OF BOSTON, COUNTY OF SUFFOLK, AND STATE OF MASSACHUSETTS, *ss:*

M. A. Herrick, being duly sworn, deposes and says that he is the treasurer of the Nashua Iron and Steel Company, a company duly organized by law in Nashua, New Hampshire, and that during the years 1875 to 1879 the said Nashua Iron and Steel Company furnished for A. H. Emery, of New York City, various forgings and materials to be used for and in the construction of the testing-machine he, the said Emery, was building for the United States Government, and that for the said forgings, labor, and material so furnished, the said company presented bills to the said Emery as the work was done, from time to time, all of which were audited by him as correct; and said deponent further states that all these bills were at the rates agreed upon, and were just and reasonable, and that all the said material was believed to be necessary to the proper construction of the said testing-machine and its belongings. The said deponent further states that a correct copy of these bills has been presented to the said Emery, all in one voucher, dated Nashua, N. H., February 13, 1880, to go with this deposition, and that said copy shows the aggregate amount of all these bills to be of the sum of $5,188.45 (five thousand one hundred and eight-eight and $\frac{45}{100}$ dollars), on which the following payments have been made, and at the times therein and herein stated, to wit:

On January 29, 1876	$335 90
On February 11, 1876	1,097 03
On February 26, 1876	368 38
On May 11, 1876	1,893 91
On July 26, 1876	949 16
On August 23, 1876	3 25
On February 6, 1877	12 60
Making in all the sum of	4,660 23
Leaving still due and unpaid, including interest to January 1, 1880, the sum of	528 22

Said deponent further states that said voucher is indorsed at the bottom, "The above is a correct copy of bills presented to A. H. Emery for material furnished for the construction of the testing machine built by him for the United States Government. Horatio Adams, bookkeeper of Nashua Iron and Steel Co.; M. A. Herrick, treasurer of the Nashua Iron and Steel Co." And on the back thereof, "Claim of A. H. Emery against the U. S. Government, in Exhibit O.—Bills Nashua Iron and Steel Co."

M. A. HERRICK.

In presence of—
GODFREY MORSE.

COMMONWEALTH OF MASSACHUSETTS, SUFFOLK, *ss:*

BOSTON, *February* 14, 1880.

There appeared before me the above-named M. A. Herrick, and made solemn oath that the statement above subscribed by him is true.

[SEAL.] GODFREY MORSE,
Notary Public.

P.—*Bills of Ames Manufacturing Company.*

In the matter of the claim of A. H. Emery against the United States Government.

TOWN OF CHICOPEE,
County of Hampden, and State of Massachusetts, ss:

Luther White, being duly sworn, deposes and says, that he is the treasurer of the Ames Manufacturing Company, a company duly organized by law in Chicopee, Mass.; and Charles L. Pepper, being duly sworn, deposes and says, that he is the bookkeeper of the said Ames Manufacturing Company; and the said White and the said Pepper, each for themselves, say that during the years 1875 to 1879, inclusively, the said Ames Manufacturing Company was employed by A. H. Emery, of New York City, to aid him in the construction of the testing-machine which he built for the United States Government, and that in the prosecution of this work the following bills were made by the said Ames Manufacturing Company and presented to the said Emery for payment, and audited by him as being correct; and that these bills were made and according to the terms agreed upon before the different parts of the work were severally commenced by the said Ames Manufacturing Company, and that all of the said bills are for labor and materials furnished as stated therein. The said deponents further say that the said bills referred to as "following bills" are 45 in number, and are each indorsed inside, "Correct copy. Luther White, Treas.," and on the backs thereof, "Claim of A. H. Emery against the U. S. Government, in Exhibit P.—Bills Ames Mf. Co.," and are numbered on the back from Nos. 1 to 45, inclusively, with the month and year for which they were made also written thereon.

The said deponents further say that the following are the numbers, dates, and amounts of said bills, to wit:

Number 1.	July 31, 1875	$973 96
Number 2.	August 31, 1875	1,057 83
Number 3.	September 30, 1875	2,074 70
Number 4.	October 31, 1875	1,331 79
Number 5.	November 30, 1875	3,463 85
Number 6.	December 31, 1875	2,393 30
Number 7.	January 31, 1876	1,865 01
Number 8.	March 1, 1876	1,227 48
Number 9.	March 31, 1876	1,510 19
Number 10.	April 29, 1876	1,192 12
Number 11.	June 1, 1876	1,416 33
Number 12.	July 1, 1876	1,554 74
Number 13.	July 31, 1876	1,115 84
Number 14.	August 31, 1876	1,063 88
Number 15.	September 30, 1876	1,213 99
Number 16.	October 31, 1876	1,315 81
Number 17.	November 30, 1876	1,999 34
Number 18.	December 30, 1876	909 77
Number 19.	January 31, 1877	792 80
Number 20.	February 28, 1877	806 27
Number 21.	March 31, 1877	824 20
Number 22.	April 30, 1877	1,073 81
Number 23.	May 31, 1877	1,129 17
Number 24.	June 30, 1877	943 46

Number 25. July 31, 1877	$675 65
Number 26. August 31, 1877	504 09
Number 27. September 29, 1877	379 29
Number 28. October 31, 1877	309 78
Number 29. November 30, 1877	335 01
Number 30. December, 1877	320 34
Number 31. January 31, 1878	479 14
Number 32. February 28, 1878	323 79
Number 33. March 31, 1878	227 74
Number 34. April 30, 1878	174 20
Number 35. June 1, 1878	137 44
Number 36. June 29, 1878	179 78
Number 37. July 31, 1878	166 18
Number 38. August, 1878	196 63
Number 39. September 30, 1878	88 75
Number 40. October 31, 1878	21 21
Number 41. November 30, 1878	15 00
Number 42. December 31, 1878	17 61
Number 43. January 31, 1879	15 00
Number 44. February, 1879	15 00
Number 45. April 30, 1879	45 92
Making in all the sum of	37,877 19

(Thirty-seven thousand eight hundred and seventy-seven and $\frac{19}{100}$ dollars.)

The said deponents further say that all the labor and materials charged in these bills were charged at the rates agreed upon, and that such prices were just and reasonable, and that all the labor and materials therein charged were believed to be necessary to the proper construction and testing of said testing-machine

The said deponents further testify that the said Emery has made the following payments on the above-mentioned bills to the said Ames Manufacturing Company, and at the dates here given, to wit:

On September 16, 1875	$2,930 00
On December 7, 1875	1,176 49
On January 24, 1876	3,500 00
On February 15, 1876	5,500 00
On July 25, 1876	1,500 00
On January 20, 1877	$1,630 00
On March 31, 1877	6,738 47
On June 20, 1877	9,769 05
Making in all these payments the sum of	32,744 01

(Thirty-two thousand seven hundred and forty-four and $\frac{1}{100}$ dollars), besides which there is still due on the said bills the following sums, to wit:

On August 1, 1878	$4,718 06
On September 1, 1878, the bills of August and September, 1878	185 38
On May 1, 1879, the bills of October, November, and December, 1880, and January, February, and April of 1879	129 74
On which interest has accrued up to January 1, 1880, at 7 per cent., as follows: $467.87, $26.63, and $6.04; in all	500 54
Leaving the amount due January 1, 1880	5,633 72

Which amount of five thousand six hundred and thirty-three dollars and seventy-cents is still due with interest from January 1, 1880, at the rate of 7 per cent.

LUTHER WHITE.
CHAS. L. PEPPER.

Severally subscribed and sworn to before me this 11th day of February, A. D. 1880.

LORAMUS E. HITCHCOCK,
Notary Public.

[SEAL.]

[Indorsements.]

EXECUTIVE MANSION,
March 26, 1880.

Calls attention to letter of president of Board for Testing Steel and Iron, recommending an appropriation to reimburse Mr. Emery for loss,

allowance, and use of patent, &c., and incloses additional papers upon the subject.

Respectfully referred to the Secretary of War.

By direction of the President.

W. K. ROGERS,
Private Secretary.

[First indorsement.]

ORDNANCE OFFICE, WAR DEPARTMENT,
Washington, March 26, 1880.

Respectfully referred to Col. T. T. S. Laidley, president of the late Board on Steel and Iron, for remark.

1st. Mr. Emery now claiming compensation from the United States not only for the actual cost to him of the machine over and above the contract price, but for the use of his patents, and for consequential damages caused by the free use of the machine to all persons, as given by Congress, &c.

2d. Is the amount of $200,000, if *now* paid by Congress, excessive or more than sufficient to compensate Mr. Emery for losses and allowance on the contract, and for his time and labor and use of patents and damage from the free use of machine, &c., for all or any of these?

3d. Colonel Laidley will submit any papers bearing on this case.

By order of the Chief of Ordnance.

S. C. LYFORD,
Major of Ordnance.

[Second indorsement.]

WATERTOWN ARSENAL,
March 30, 1880.

Respectfully returned to the Chief of Ordnance.

The inclosed papers, which have been carefully examined by the undersigned, show that the testing-machine invented and constructed by Mr. A. H. Emery for the government, has cost him much more than had been supposed in February, 1879, when, without going into an examination of books and papers, the cost was set down at $100,000. The undersigned thought, from a report made by the contractor in 1877, that the cost, when figured up, would be probably less.

The act of Congress, approved June 20, 1878, which directs that this machine shall be applied to the testing of materials for all persons who may desire to use it upon the payment of the actual cost of making the tests, which action virtually destroys the business of the inventor of building testing-machines, in that no one will purchase a machine when he can have the work of testing done by the government at less cost than he could do it himself if a machine were furnished to him free of charge, gives the inventor a strong claim for greatly-increased damages, and causes the undersigned to modify and increase the sum which, in his opinion, the government could well afford to pay for this machine and the losses its action has inflicted.

When the contractor undertook to build this machine he confidently expected that it would be completed within six months, whereas nearly five years were consumed in its perfection. This is nearly one-third of the entire life of his valuable patents, and involves a loss to him, without any fault of his, which, though doubtless great, it would be difficult accurately to estimate.

It rarely happens in the development of any new invention that the first construction does more than show what may be accomplished in succeeding efforts. In the present instance, however, so thoroughly were all the details digested, and such frequent changes made in drawings before they passed into the hands of the workmen, that this first machine forms a marked exception to the general rule, and is more perfect in all its parts than could have been reasonably expected under the terms of the contract. This result, however, has not been accomplished without long and laborious study, and a corresponding increase of expense to the contractor. Since the government is thereby the gainer, it can well afford to offer a substantial compensation therefor. Had the contractor failed to raise the necessary funds to complete the machine in accordance with his high standard of excellence, the undersigned, though conversant with the testing-machines used by the principal nations, knows of none which could have been procured combining all of the desired qualities to the extent of that the United States now possesses. No one who has witnessed the facility of its operation, and understood the principles upon which it is based, has failed to appreciate and be impressed with the delicacy and accuracy of its determinations. This is a matter of no small importance, since it is to form the standard throughout the country for measuring such strains as are ordinarily determined by testing-machines.

Its reputation is not confined to this continent, but wherever a knowledge of its capabilities has extended it reflects credit upon the American name. Under these circumstances the government can well afford to be liberal with the contractor, and make a fair compensation to him for his great creative power and unremitting labor during the five best years of his life. The amount of $200,000, if now paid by Congress, would not, in the judgment of the undersigned, be excessive, or more than sufficient to pay the contractor a fair equivalent for his unusual devotion to the interests of the government, the work performed by him, and the losses sustained during the time that he has given up his undivided energies to this undertaking.

T. T. S. LAIDLEY,
Colonel of Ordnance, Commanding.

[3d Indorsement.]

ORDNANCE OFFICE, WAR DEPARTMENT,
Washington, April 13, 1880.

Respectfully returned to the Secretary of War, inviting special attention to the indorsement of Colonel Laidley, president of the late Board on Steel and Iron, and the views of a majority of the members. The other members of the board, being absent or sick, have not been consulted.

As stated in my indorsement of February 18, 1879, herewith, I know nothing of the merits but what is made to appear by these papers. The inventor has produced a testing-machine believed to be the most reliable and perfect in the world, and reflecting the greatest credit on the inventive genius and mechanical skill of one of our citizens. No one can queston the fact that in the laudable desire to do his whole duty to the country, and give it the master-piece of his designing and constructive faculty, he has seriously involved himself pecuniarily, and has not received any compensation for his very arduous labors. In the construction of this machine he has expended large sums over and above the amount paid him under the contract.

It is a case that appeals strongly to our sympathies, and to our sense of justice equitably rendered. In this view I respectfully recommend this matter to favorable consideration.

S. V. BENÉT,
Brig. Gen., Chief of Ordnance.

[Copy of second indorsement.]

WATERTOWN ARSENAL,
March 30, 1880.

Respectfully returned to the Chief of Ordnance.

The inclosed papers, which have been carefully examined by the undersigned, show that the testing-machine invented and constructed by Mr. A. H. Emery for the government has cost him much more than had been supposed in February, 1879, when, without going into an examination of books and papers, the cost was set down at $100,000. The undersigned thought, from a report made by the contractor in 1877, that the cost when figured up would be probably less.

The act of Congress approved June 20, 1878, which directs that this machine shall be applied to the testing of materials for all persons who may desire to use it, upon the payment of the actual cost of making the tests, which action virtually destroys the business of the inventor of building testing-machines, in that no one will purchase a machine when he can have the work of testing done by the government at less cost than he could do it himself if a machine were furnished to him free of charge, gives the inventor a strong claim for greatly increased damages, and causes the undersigned to modify and increase the sum, which, in his opinion, the government could well afford to pay for this machine and losses its action has inflicted. When the contractor undertook to build this machine he confidently expected that it would be completed within six months, whereas nearly five years were consumed in its perfection. This is nearly one-third of the entire life of his valuable patents, and involves a loss to him without any fault of his, which, though doubtless great, it would be difficult accurately to estimate.

It rarely happens in the development of any new invention that the first construction does more than show what may be accomplished in succeeding efforts. In the present instance, however, so thoroughly were all the details digested, and such frequent changes made in drawings before they passed into the hands of the workman, that this first machine forms a marked exception to the general rule, and is more perfect in all its parts than could have been reasonably expected under the terms of the contract. This result, however, has not been accomplished without long and laborious study, and a corresponding increase of expense to the contractor. Since the government is thereby the gainer, it can well afford to offer a substantial compensation therefor. Had the contractor failed to raise the necessary funds to complete the machine in accordance with his high standard of excellence, the undersigned, though conversant with the testing-machines used by the principal nations, knows of none which could have been procured combining all of the desired qualities to the extent of that the United States now possesses. No one who has witnessed the facility of its operation, and understood the principles upon which it is based, has failed to appreciate and be impressed with the delicacy and accuracy of its determinations. This is a matter of no small importance, since it is to form the standard throughout the country for measuring such strains as are ordinarily determined by testing-machines. Its reputation is not confined to this

continent, but wherever a knowledge of its capabilities has extended it reflects credit upon the American name.

Under these circumstances the government can well afford to be liberal with the contractor and make a fair compensation to him for his great creative power and unremitting labor during the five best years of his life.

The amount of $200,000, if now paid by Congress, would not, in the judgment of the undersigned, be excessive, or more than sufficient to pay the contractor a fair equivalent for his unusual devotion to the interests of the government, the work performed by him, and the losses sustained during the time that he has given up his undivided energies to this undertaking.

T. T. S. LAIDLEY,
Colonel of Ordnance, Commanding.

We, the undersigned, formerly members of the United States board for testing iron and steel, had supposed that the testing-machine had cost the sum stated by the contractor, and no one who has seen the machine will be surprised to learn that it has really cost a larger sum, as ascertained by the contractor in making up his accounts. We fully agree with Colonel Laidley in all his remarks with regard to the quality and value of the machine and the services rendered by Mr. Emery in designing and constructing it. And we think that he is justly entitled to compensation for its cost as shown and the allowance he asks as a contractor, and that he should be paid for his time and the use of his patents in the construction of said machine. We also think that Congress and the country can well afford to pay him the sum of $200,000 to settle his claim, and should any part of the cost of the machine or other part of his claim be for any cause disallowed, we would still recommend that a sum not less than $200,000 be paid to him in recognition of his genius, fidelity, and services; and if not paid now we would recommend a larger sum hereafter as including compensation for delay.

WM. SOOY SMITH, *C. E.*
A. L. HOLLEY.
Q. A. GILLMORE,
Lieut. Col. Eng., Bvt. Maj. Gen.

46TH CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { EX. DOC. No. 75.

THE DESK UPON WHICH MR. JEFFERSON WROTE THE DECLARATION OF INDEPENDENCE.

MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

TRANSMITTING

The desk upon which the Declaration of Independence was written, accompanied by a letter from the Hon. Robert C. Winthrop, presenting the same to the United States.

APRIL 22, 1880.—Ordered to be printed.

To the Senate and House of Representatives:

I have the honor to inform Congress that Mr. J. Randolph Coolidge, Dr. Algernon Coolidge, Mr. Thomas Jefferson Coolidge, and Mrs. Ellen Dwight, of Massachusetts, the heirs of the late Joseph Coolidge, jr., desire to present to the United States the desk on which the Declaration of Independence was written. It bears the following inscription, in the handwriting of Thomas Jefferson:

> Thomas Jefferson gives this Writing Desk to Joseph Coolidge, jr., as a memorial of his affection. It was made from a drawing of his own, by Ben Randall, cabinet maker, of Philadelphia, with whom he first lodged on his arrival in that city in May, 1776, and is the identical one on which he wrote the Declaration of Independence.
>
> Politics as well as Religion has its superstitions. These, gaining strength with time, may one day, give imaginary value to this relic, for its association with the birth of the great Charter of our Independence.
>
> MONTICELLO, *November* 18, 1825.

The desk was placed in my possession by Hon. Robert C. Winthrop, and is herewith transmitted to Congress with the letter of Mr. Winthrop expressing the wish of the donors "to offer it to the United States, that it may hereafter have a place in the Department of State in connection with the immortal instrument which was written upon it in 1776."

I respectfully recommend that such action may be taken by Congress as may be deemed appropriate with reference to a gift to the nation so precious in its history and for the memorable associations which belong to it.

RUTHERFORD B. HAYES.

EXECUTIVE MANSION, *April* 22, 1880.

WASHINGTON, D. C., *April* 14, 1880.

MY DEAR SIR: I have been privileged to bring with me from Boston, as a present to the United States, a very precious historical relic. It is the little desk on which Mr. Jefferson wrote the original draught of the Declaration of Independence.

This desk was given by Mr. Jefferson himself to my friend, the late Joseph Coolidge, of Boston, at the time of his marriage to Jefferson's granddaughter, Miss Randolph; and it bears an autograph inscription of singular interest written by the illustrious author of the Declaration in the very last year of his life.

On the recent death of Mr. Coolidge, whose wife had died a year or two previously, the desk became the property of their children—Mr. J. Randolph Coolidge, Dr. Algernon Coolidge, Mr. Thomas Jefferson Coolidge, and Mrs. Ellen Dwight; who now desire to offer it to the United States, so that it may henceforth have a place in the Department of State, in connection with the immortal instrument which was written upon it in 1776.

They have done me the honor to make me the medium of this distinguished gift, and I ask permission to place it in the hands of the Chief Magistrate of the Nation, in their name and at their request.

Believe me, dear Mr. President, with the highest respect, very faithfully, your obedient servant,

ROBT. C. WINTHROP.

His Excellency RUTHERFORD B. HAYES,
President of the United States.

46TH CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { EX. DOC. No. 76.

SPEECHES OF M. THIERS.

LETTER

FROM

THE SECRETARY OF STATE,

TRANSMITTING

The speeches of M. Thiers as a present from Madame Thiers to the Library of the House of Representatives.

MAY 1, 1880.—Laid on the table and ordered to be printed.

DEPARTMENT OF STATE,
Washington, April 24, 1880.

SIR: I have the honor to transmit herewith a package containing the first seven volumes of the speeches of Thiers, which Madame Thiers, the widow of that distinguished French statesman, desires this department to present to the Library of the House of Representatives on her behalf.

I have the honor to be, sir, your obedient servant,

W. M. EVARTS.

The HON. SAMUEL J. RANDALL,
Speaker of the House of Representatives.

46TH CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { EX. DOC. No. 77.

VETO OF SPECIAL DEFICIENCY APPROPRIATION BILL.

MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

Returning to the House of Representatives a bill of the House (H. R. 4924) entitled "An act making appropriations to supply certain deficiencies in the appropriations for the service of the government for the fiscal year ending June 30, 1880, and for other purposes," with his objections to its passage.

MAY 4, 1880.—Referred to the Committee on Appropriations and ordered to be printed.

To the House of Representatives:

After mature consideration of the bill entitled "An act making appropriations to supply certain deficiencies in the appropriations for the service of the government for the fiscal year ending June thirtieth, eighteen hundred and eighty, and for other purposes," I return it to the House of Representatives, in which it originated, with my objections to its passage.

The bill appropriates about eight millions of dollars, of which over six hundred thousand dollars is for the payment of the fees of United States marshals, and of the general and special deputy marshals, earned during the current fiscal year, and their incidental expenses. The appropriations made in the bill are needed to carry on the operations of the government and to fulfill its obligations for the payment of money long since due to its officers for services and expenses essential to the execution of their duties under the laws of the United States. The necessity for these appropriations is so urgent, and they have been already so long delayed, that if the bill before me contained no permanent or general legislation unconnected with these appropriations it would receive my prompt approval. It contains, however, provisions which materially change, and by implication repeal, important parts of the laws for the regulation of the United States elections. These laws have for several years past been the subject of vehement political controversy and have been denounced as unnecessary, oppressive, and unconstitutional. On the other hand, it has been maintained with equal zeal and earnestness, that the election laws are indispensable to fair and lawful elections, and are clearly warranted by the Constitution. Under these circumstances, to attempt in an appropriation bill the modification or repeal of these laws, is to annex a condition to the passage of needed and proper appropriations which tends to deprive the Executive of that

equal and independent exercise of discretion and judgment which the Constitution contemplates.

The objection to the bill, therefore, to which I respectfully ask your attention, is that it gives a marked and deliberate sanction, attended by no circumstances of pressing necessity, to the questionable, and, as I am clearly of opinion, the dangerous practice of tacking upon appropriation bills general and permanent legislation. This practice opens a wide door to hasty, inconsiderate, and sinister legislation. It invites attacks upon the independence and constitutional powers of the Executive by providing an easy and effective way of constraining Executive discretion. Although of late this practice has been resorted to by all political parties, when clothed with power, it did not prevail until forty years after the adoption of the Constitution, and it is confidently believed that it is condemned by the enlightened judgment of the country. The States which have adopted new constitutions during the last quarter of a century have generally provided remedies for the evil. Many of them have enacted that no law shall contain more than one subject, which shall be plainly expressed in its title. The constitutions of more than half of the States contain substantially this provision, or some other of like intent and meaning. The public welfare will be promoted in many ways by a return to the early practice of the government and to the true rule of legislation, which is that every measure should stand upon its own merits.

I am firmly convinced that appropriation bills ought not to contain any legislation not relevant to the application or expenditure of the money thereby appropriated, and that by a strict adherence to this principle, an important and much-needed reform will be accomplished.

Placing my objection to the bill on this feature of its frame, I forbear any comment upon the important general and permanent legislation which it contains, as matter for specific and independent consideration.

RUTHERFORD B. HAYES.

EXECUTIVE MANSION,
May 4, 1880.

FORTY-SIXTH CONGRESS OF THE UNITED STATES, AT THE SECOND SESSION, BEGUN AND HELD AT THE CITY OF WASHINGTON, IN THE DISTRICT OF COLUMBIA, ON MONDAY, THE FIRST DAY OF DECEMBER, EIGHTEEN HUNDRED AND SEVENTY-NINE.

AN ACT making appropriations to supply certain deficiencies in the appropriations for the service of the government for the fiscal year ending June thirtieth, eighteen hundred and eighty, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and the same are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the objects hereinafter stated, namely:

PUBLIC PRINTING.

For the public printing and binding, and for paper for the public printing, including the cost of printing the debates and proceedings of Congress in the Congressional Record, and for the departments, and for lithographing, mapping, and engraving, two hundred and fifty thousand dollars.

TREASURY DEPARTMENT.

INTERNAL REVENUE: For additional amount to pay salaries and expenses of agents and surveyors, for fees and expenses of gaugers, for salaries of storekeepers, and for miscellaneous expenses, being a deficiency for the fiscal year eighteen hundred and eighty, three hundred and thirteen thousand dollars.

For additional amount to pay salaries and expenses of collectors of internal revenue, being a deficiency for the fiscal year eighteen hundred and eighty, twenty-five thousand dollars.

For dies, paper, and stamps, being a deficiency for the fiscal year eighteen hundred and eighty, fifty-one thousand two hundred and eighty-three dollars and ten cents.

TRANSPORTATION OF COIN AND BULLION: For transportation of coin and bullion, twenty-five thousand dollars.

INDEPENDENT TREASURY: For checks and check-books for disbursing officers and others, and certificates of deposit for offices of the Treasurer and assistant treasurer and designated depositaries, six thousand dollars.

UNITED STATES MINT: For fitting up an assay laboratory in the office of the Director, four hundred and eighty dollars and fifty cents, being the balance of the appropriation made for this object by the act of March third, eighteen hundred and seventy-seven, which is hereby reappropriated.

UNITED STATES ASSAY OFFICE, CHARLOTTE, NORTH CAROLINA: For labor and contingent expenses of the United States assay office at Charlotte, North Carolina, five hundred dollars.

LIGHT-HOUSES, BEACONS, AND FOG-SIGNALS: For completion of the first-class fog-signal at the light-station on South Farallon Island, California, before the beginning of the foggy season, seven thousand dollars.

For the completion of the steamer for light-house service on the Mississippi and Ohio Rivers, authorized by act of March third, eighteen hundred and seventy-nine, fifteen thousand dollars.

LIFE-SAVING SERVICE: For contingent expenses of the life-saving service, five thousand dollars, which is hereby authorized to be transferred from the appropriation under act of March third, eighteen hundred and seventy-nine, Statutes, volume twenty, page three hundred and seventy-eight, "For pay of crews of experienced surfmen," and made available as aforesaid.

PUBLIC BUILDINGS: For the completion of the custom-house, court-house, and post-office building, and approaches, at Chicago, Illinois, including steps, grading, sidewalks, and paving, one hundred thousand dollars.

COAST AND GEODETIC SURVEY: For the repairs and maintenance of the vessels used in the Coast and Geodetic Survey, ten thousand dollars.

For the continuation of the Coast and Geodetic Survey in the Eastern Division (or Atlantic and Gulf Coasts Division), seven thousand five hundred dollars.

For the continuation of the Coast and Geodetic Survey in the Western Division (or the Pacific Coast Division), seven thousand five hundred dollars.

MISCELLANEOUS: For coal, wood, grates, grate-baskets and fixtures, stoves and fixtures, blowers, coal-hods, hearths, shovels, tongs, pokers,

matches and match-safes for the Treasury Department, one thousand two hundred and fifty dollars.

For ice, ice-buckets, file-holders, book rests, labor, clocks and repairs of the same for the Treasury Department, one thousand two hundred and fifty dollars.

That the Secretary of the Treasury be, and he is hereby, authorized to employ one of the steamers of the Revenue Marine, now on the Pacific coast, for the relief of the officers and crews of the whaling barks Mount "Wallaston" and "Vigilant," now imprisoned in the Arctic Ocean; and such sum of money, not exceeding six thousand dollars, as may be necessary to properly strengthen and equip such steam-cutter, and to carry out the objects of this provision, is hereby appropriated, out of any money in the Treasury not otherwise appropriated.

WAR DEPARTMENT.

For contingent expenses of the office of the Adjutant-General in the old Navy Department building, five hundred dollars.

For continuing the construction of the north wing of the State, War, and Navy Departments building, one hundred thousand dollars.

NAVY DEPARTMENT.

To enable the Secretary of the Navy to make payment under contract for the final installment due for the execution of the colossal statue of Admiral Farragut, ten thousand dollars.

For transportation of officers of the Marine Corps, two thousand dollars.

INTERIOR DEPARTMENT.

PENSIONS: For pensions for Army invalids, widows, minors, and dependent relatives, survivors of the war of eighteen hundred and twelve, and widows of the war of eighteen hundred and twelve, six million five hundred thousand dollars.

For Navy pensions to invalids, widows, minors, and dependent relatives, one hundred and forty thousand dollars.

For pay and allowances for salary, fees for preparing vouchers, rent, fuel, light, and postage on official matter directed to the departments and bureaus at Washington, fifteen thousand dollars.

PATENT OFFICE: To pay for illustrations for the Official Gazette, three thousand two hundred and ninety-nine dollars and twenty-two cents.

OFFICE OF THE AUDITOR OF RAILROAD ACCOUNTS: For traveling and incidental expenses of the office, seven hundred and fifty dollars.

STATIONERY: For stationery for the Interior Department and its several bureaus, five thousand dollars.

For the expenses of the commission on the codification of existing laws relating to the survey and disposition of the public domain, for the completion of such codification, the sum of fifteen thousand dollars, or so much thereof as may be necessary for that purpose: Provided, That said commission shall complete the same and make their final report on or before February first, eighteen hundred and eighty-one.

For continuing the work of adjusting and settling the claims of the several States, under the act of Congress approved September twenty-eighth, eighteen hundred and fifty, and the acts supplemental thereto and amendatory thereof, for swamp lands, including all claims for swamp-

land indemnity, under the acts of March second, eighteen hundred and and fifty-five, and March third, eighteen hundred and fifty-seven, and other acts, six thousand dollars.

POST-OFFICE DEPARTMENT.

MONEY-ORDER OFFICE: For seven additional clerks for service in the money-order office, namely: two of class four, one of class three, one of class two, and three at nine hundred dollars per annum, from the passage of this act until June thirtieth, eighteen hundred and eighty, a sufficient sum is hereby appropriated.

OFFICE OF POSTMASTER-GENERAL: For the preparation and publication of post-route maps, five thousand dollars.

OFFICE OF FIRST ASSISTANT POSTMASTER-GENERAL: For additional clerks in post-offices, ten thousand dollars.

For purchase of letter balances and scales, two thousand five hundred dollars.

To provide for increased pay of certain route-agents, who may be promoted to be postal-car clerks, to make their pay equal to that of postal-car clerks, five thousand dollars.

OFFICE OF SECOND ASSISTANT POSTMASTER-GENERAL: For mail-route messengers, ten thousand dollars.

For additional postal-car clerks, fifteen thousand dollars.

That the sum of thirty-five thousand dollars, or so much thereof as may be necessary, of the appropriation for stamped envelopes and wrappers for the fiscal year ending June thirtieth, eighteen hundred and eighty, may be used for the purchase of post-office envelopes required for use during the said fiscal year.

STATE DEPARTMENT.

For extra clerk hire and copying, three thousand dollars.

To enable the Secretary of State to purchase the manuscript of the revised Consular Regulations prepared by A. B. Wood, Chief of the Consular Bureau in the Department of State, and approved by the Secretary of State, for such sum, not exceeding three thousand dollars, as shall seem to him a fair price for the work; and to use for the payment of such purchase the appropriation already made by the act of Congress of January twenty-seventh, eighteen hundred and seventy-nine, for the expenses of editing and revising the Consular Regulations.

SMITHSONIAN INSTITUTION.

NATIONAL MUSEUM: For steam-heating apparatus and fuel for the new National Museum building, twenty thousand dollars.

For water and gas fixtures and electrical apparatus for the new National Museum building, ten thousand dollars.

SENATE.

To pay George A. Clarke for services as messenger in charge of the official reporters' room of the Senate from July first, eighteen hundred and seventy-nine, to June thirtieth, eighteen hundred and eighty, inclusive, one thousand two hundred dollars.

HOUSE OF REPRESENTATIVES.

For furniture and repairs of same, one thousand five hundred dollars.

UNITED STATES FISH COMMISSION.

PROPAGATION OF FOOD-FISHES: For continuing the work connected with the propagation of food-fishes, fifteen thousand dollars.

FISH-HATCHING STEAMER: For supplying the fish-hatching steamer authorized by and constructed under the act of March third, eighteen hundred and seventy-nine, with the necessary fish-hatching machinery and other furniture, twelve thousand five hundred dollars, or so much thereof as may be necessary; and the Secretary of the Navy is hereby directed to place the vessels of the United States Fish Commission on the same footing with the Navy Department as those of the United States Coast and Geodetic Survey.

EXECUTIVE OFFICE.

For contingent expenses of the Executive Office, including stationery therefor, one thousand dollars.

MISCELLANEOUS.

SOUTHERN CLAIMS COMMISSION: That the sum of eight hundred dollars, or so much thereof as may be necessary, is hereby authorized to be transferred from the appropriation for contingent expenses of the Southern Claims Commission, made under act of June twenty-first, eighteen hundred and seventy-nine (see Statutes, volume twenty-one, page twenty-nine), to be available for paying the salaries and traveling expenses of the agents of said commission. And the sum of twelve hundred dollars, or so much thereof as may be necessary is hereby appropriated for the payment of a clerk, who may be appointed by the Secretary of the Treasury, at the rate of one hundred dollars per month, to complete the records of the said commission and care for the same under the supervision of the Treasury Department.

For extra labor on the grounds, putting up seed, and printing labels for the Botanic Garden, eight hundred and fifty dollars.

DEPARTMENT OF JUSTICE.

For the payment of the fees and expenses of United States marshals and the general deputies earned during the fiscal year ending June thirtieth, anno Domini eighteen hundred and eighty, six hundred thousand dollars.

For special deputy marshals of elections, the sum of seven thousand six hundred dollars: *Provided*, That hereafter special deputy marshals of elections, for performing any duties in reference to any election, shall receive the sum of five dollars per day in full for their compensation; and that all appointments of such special deputy marshals shall be made by the circuit court of the United States for the district in which such marshals are to perform their duties; but should there be no session of the circuit courts in the States or districts where such marshals are to be appointed, then and in that case the district judges are hereby authorized to convene their courts for the aforesaid purpose; said special

deputies to be appointed in equal numbers from the different political parties. And the persons so appointed shall be persons of good moral character, and shall be well known residents of the voting precinct in which their duties are to be performed.

For repairs to the court-house building in the city of Washington, District of Columbia, eight hundred dollars, or so much thereof as may be necessary.

SAM. J RANDALL
Speaker of the House of Representatives.
W. A. WHEELER
Vice-President of the United States and President of the Senate.

I certify that this act originated in the House of Representatives.

Attest:

GEO M ADAMS
Clerk
By GREEN ADAMS
Chief Clerk

○

46TH CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { EX. DOC. No. 78.

RETIRED LIST OF THE ARMY.

COMMUNICATION

FROM

THE SECRETARY OF WAR,

RELATIVE TO

Remarks made by Hon. Mr. Atherton, in the House of Representatives, on April 30, 1880.

MAY 5, 1880.—Ordered to be printed.

WAR DEPARTMENT,
Washington City, May 1, 1880.

SIR: My attention having been called to the remarks of the Hon. Mr. Atherton, on page 19 of the Congressional Record of to-day, in regard to the resolution of the House of the 16th of January last, calling on the Secretary of War for information as to the retired list of the Army, I beg that the action of this department in respect to said resolution be communicated, formally, to the House.

As soon as it was received the resolution was referred to the Adjutant-General and the Paymaster-General for report. The Adjutant-General prepared so much of the report as shows the number, rank, and names of the officers on the retired list, and the Paymaster-General completed the report by filling in the annual pay of each officer, the total amount paid to him, and the aggregate amount paid to retired officers since the retired army list was created.

The full report was received by the Secretary of War March 17, 1880, transmitted the next day to the Speaker, and by him submitted to the House March 22, 1880, and referred to the Committee on Military Affairs; but the report was not ordered to be printed.

The information called for covered a period of nineteen (19) years, and was furnished at the earliest possible date consistent with accuracy, and no delay occurred in its preparation or transmission by the War Department, so far as I am able to ascertain.

Very respectfully, your obedient servant,

ALEX. RAMSEY,
Secretary of War.

The SPEAKER *of the House of Representatives.*

46TH CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { EX. DOC No. 79.

ARMY OFFICERS ON THE RETIRED LIST.

LETTER

FROM

THE SECRETARY OF WAR,

IN RESPONSE TO

A resolution of the House of Representatives, transmitting a list of officers of the retired list, their rank, pay, &c.

MARCH 22, 1880.—Referred to the Committee on Military Affairs.
MAY 7, 1880.—Recommitted to the Committee on Military Affairs and ordered to be printed.

WAR DEPARTMENT,
Washington City, March 18, 1880.

The Secretary of War has the honor to transmit to the House of Representatives, in answer to the resolution of that body of the 16th of January last, calling for report of "the number, rank, names, and annual pay of each officer of the Army of the United States on the retired list of said Army; the total amount which has been paid to each retired officer as aforesaid; and the aggregate amount paid to retired officers since said retired army list was created," a report from the Adjutant-General, dated the 17th instant, and accompanying list, which furnish the information required.

ALEX. RAMSEY,
Secretary of War.

The SPEAKER
of the House of Representatives.

ADJUTANT-GENERAL'S OFFICE, *March* 17, 1880.

SIR: I have the honor to return herewith the resolution of the House of Representatives of the 16th instant, and to transmit the information called for therein.

A list showing "the number, rank, names, and annual pay of each officer of the Army of the United States on the retired list of said Army, and the total amount which has been paid to each retired officer as aforesaid," is inclosed herewith. The statement of the amounts paid to retired officers is furnished by the Paymaster-General, who reports that, in addition to the aggregate amount paid the officers borne upon

the retired list on December 31, 1879, as shown on the accompanying list, there has been paid to retired officers whose names have been borne upon the retired list, but have disappeared therefrom prior to December 31, 1879, the aggregate sum of $1,639,322.98; thus making the "aggregate amount paid to retired officers since said retired army list was created" foot up as follows:

Aggregate amount paid to retired officers in service December 31, 1879.	$5,910,378 16
Aggregate amount paid to officers formerly on the retired list but not in service December 31, 1879	1,639,322 98
Aggregate paid to retired officers for service as such from the creation of the list up to December 31, 1879	7,549,701 14

Up to the passage of the act of January 21, 1870 (Vol. 16, Stats., p. 62), retired officers could be placed on duty with full pay. The Paymaster-General reports that the sums given embrace only the *retired* pay of officers, exclusive of the periods they may have been on active duty with full pay.

Very respectfully, your obedient servant,

E. D. TOWNSEND,
Adjutant-General.

The Hon. SECRETARY OF WAR.

List of officers on the retired list, United States Army, December 31, 1879, *showing the annual pay of each and the total amount paid each from date of retirement to December* 31, 1879.

Name and rank.	Date of retirement.	Annual pay.	Total am't paid to Dec. 31, 1879.
MAJOR-GENERALS.			
Samuel P. Heintzelman	Feb. 22, 1869	$5,625 00	$48,582 38
John C. Robinson	May 6, 1869	5,625 00	57,517 31
Daniel E. Sickles	Apr. 14, 1869	5,625 00	33,894 07
Samuel S. Carroll	June 9, 1869	5,625 00	41,194 35
James B. Ricketts	Jan. 3, 1867	5,625 00	60,383 50
Total			241,571 61
BRIGADIER-GENERALS.			
William S. Harney	Aug. 1, 1863	4,125 00	48,069 00
Philip St. George Cooke	Oct. 29, 1873	4,125 00	25,460 42
William A. Hammond	Aug. 27, 1879		
George D. Ramsay	Sept. 12, 1864	4,125 00	39,840 61
Joseph Holt	Dec. 1, 1875	4,125 00	16,843 75
Benjamin W. Brice	Jan. 1, 1872	4 125 00	33,000 00
Andrew A. Humphreys	June 30, 1879	4,125 00	2,062 50
Thomas J. Wood	June 9, 1868	4,125 00	47,027 79
William H. Emory	July 1, 1876	4,125 00	14,436 66
Gabriel R. Paul	Feb. 16, 1865	4,125 00	61,767 01
Samuel W. Crawford	Feb. 19, 1873	4,125 00	26,777 08
John B. McIntosh	July 30, 1870	4,125 00	38,511 46
Joseph B. Kiddoo	Dec. 15, 1870	4,125 00	37,553 16
Richard W. Johnson	Oct. 12, 1867	4,125 00	53,356 37
Thomas W. Sweeney	May 11, 1870	4,125 00	40,613 73
Martin D. Hardin	Dec. 15, 1870	4,125 00	34,546 87
Francis Fessenden	Nov. 1, 1866	4,125 00	47,224 92
Eli Long	Aug. 16, 1867	4,125 00	37,007 58
Total			604,098 91
COLONELS.			
Edmund B. Alexander	Feb. 22, 1869	3,375 00	35,674 92
Washington Seawell	Feb. 20, 1862	3,375 00	36,784 97
John S. Simonson	Sept. 28, 1861	3,375 00	36,991 84
David Hunter	July 31, 1866	3,375 00	37,197 57
Henry B. Carrington	Dec. 15, 1870	2,887 50	25,986 96
Pitcairn Morrison	Oct. 20, 1863	3,375 00	36,029 88

List of officers on the retired list, United States Army, &c.—Continued.

Name and rank.	Date of retirement.	Annual pay.	Total am't paid to Dec. 31, 1879.
COLONELS—Continued.			
Thomas Swords	Feb. 22, 1869	$3,375 00	$35,013 49
Silas Casey	July 8, 1868	3,375 00	35,855 01
George A. H. Blake	Dec. 15, 1870	3,375 00	29,953 12
William Hoffman	May 1, 1870	3,375 00	32,478 56
Hannibal Day	Aug. 1, 1863	3,375 00	35,094 14
Sidney Burbank	May 1, 1870	3,375 00	31,781 25
Oliver L. Shepherd	Dec. 15, 1870	3,375 00	30,525 00
George H. Crosman	July 29, 1866	3,375 00	33,012 48
Horace Brooks	Jan. 10, 1877	3,375 00	10,041 35
Albemarle Cady	May 18, 1864	3,375 00	39,151 82
Lawrence P. Graham	Dec. 15, 1870	3,375 00	30,515 62
James V. Bomford	June 8, 1874	3,375 00	18,769 12
Isaac V. D. Reeve	Jan. 1, 1871	3,375 00	30,375 00
Thomas J. Cram	Feb. 22, 1869	3,375 00	32,960 86
Robert H. K. Whiteley	Apr. 14, 1875	3,375 00	15,900 00
Samuel K. Dawson	May 11, 1870	3,375 00	32,372 52
George Stoneman	Aug. 16, 1871	3,375 00	28,265 62
Robert Allen	Mar. 21, 1878	3,375 00	5,906 25
Thomas G. Pitcher	June 28, 1878	3,375 00	10,062 50
Joseph J. Reynolds	June 25, 1877	3,375 00	8,493 75
John I. Gregg	Apr. 2, 1879	3,375 00	2,512 50
Wager Swayne	July 1, 1870	2,887 50	27,180 06
Philip R. de Trobriand	Mar. 20, 1879	3,375 00	2,568 65
Edwin B. Babbitt	July 29, 1866	3,375 00	23,225 21
Robert E. Clary	Feb. 22, 1869	3,375 00	34,773 22
James Oakes	Apr. 29, 1879	3,375 00	2,259 37
William N. Grier	Dec. 15, 1870	3,375 00	30,234 37
George W. Cullum	Jan. 13, 1874	3,375 00	20,137 50
De Lancey Floyd-Jones	Mar. 20, 1879	3,375 00	2,343 75
Abner Doubleday	Dec. 11, 1873	3,375 00	20,437 50
Innis N. Palmer	Mar. 20, 1879	3,375 00	2,614 90
Robert S. Granger	Dec. 10, 1873	3,375 00	20,437 50
Henry D. Wallen	Feb. 18, 1874	3,375 00	19,799 00
Charles R. Woods	Dec. 15, 1874	3,375 00	17,306 25
Franklin D. Callender	May 29, 1879	3,375 00	1,978 12
George A. Woodward	Mar. 20, 1879	3,375 00	2,625 00
Joseph Roberts	July 2, 1877	3,375 00	8,418 75
Washington L. Elliott	Mar. 20, 1879	3,375 00	2,343 75
Edward W. Hinks	Dec. 15, 1870	2,887 50	26,115 29
Samuel H. Starr	Dec. 15, 1870	3,375 00	30,525 00
Elisha G. Marshall	Sept. 11, 1867	3,375 00	36,763 43
Theophilus F. Rodenbough	Dec. 15, 1870	2,887 50	26,115 29
John R. Lewis	Apr. 28, 1870	2,887 50	27,664 89
Samuel Ross	Jan. 1, 1871	3,375 00	23,482 52
Theodore Yates	Nov. 1, 1867	2,887 50	32,566 39
Moses B. Walker	Feb. 19, 1866	2,887 50	36,240 75
Robert L. Kilpatrick	Dec. 15, 1870	2,887 50	26,107 27
Andrew J. McNett	Dec. 15, 1870	2,887 50	26,107 27
Isaac S. Catlin	May 6, 1870	2,887 50	27,551 32
John Pulford	Dec. 15, 1870	2,887 50	24,859 63
Albert W. Preston	Dec. 15, 1870	2,887 50	24,392 26
Total			1,344,880 31
PROFESSORS (colonels).			
William H. C. Bartlett	Feb. 14, 1871	3,375 00	29,743 75
Robert W. Weir	July 25, 1876	3,375 00	11,587 50
Total			41,331 25
LIEUTENANT-COLONELS.			
Charles F. Ruff	Mar. 30, 1864	3,060 00	35,292 42
Thomas L. Alexander	Oct. 16, 1863	3,060 00	31,935 43
Martin Burke	Aug. 1, 1863	3,060 00	21,047 66
Enoch Steen	Sept. 23, 1863	3,060 00	31,476 99
Daniel P. Whiting	Nov. 4, 1863	3,060 00	33,113 74
William Chapman	Aug. 26, 1863	3,060 00	40,507 43
George W. Patten	Feb. 17, 1864	3,060 00	32,014 65
Hiram Leonard	Jan. 1, 1872	3,060 00	23,875 00
Bennett H. Hill	Dec. 15, 1870	3,060 00	26,883 33
Lorenzo Sitgreaves	July 10, 1866	3,060 00	37,525 19
Henry W. Wessells	Jan. 1, 1871	3,060 00	27,250 00
George W. Wallace	Dec. 15, 1870	3,060 00	27,448 83
Richard S. Satterlee	Feb. 22, 1869	3,060 00	29,632 47
Charles McDougall	Feb. 22, 1869	3,060 00	29,308 36
Thomas Duncan	Jan. 15, 1873	3,060 00	20,875 00

List of officers on the retired list, United States Army, &c.—Continued.

Name and rank.	Date of retirement.	Annual pay.	Total am't paid to Dec. 31, 1879.
LIEUTENANT-COLONELS—Continued.			
Samuel B. Hayman	July 1, 1872	3,060 00	$22,500 00
Anderson D. Nelson	June 7, 1879	3,060 00	1,691 67
Dickinson Woodruff	Dec. 15, 1870	2,925 00	27,454 98
Augustus A. Gibson	Dec. 15, 1870	3,060 00	27,133 33
Levi C. Bootes	Oct. 7, 1874	3,060 00	15,691 67
Alexander Montgomery	Jan. 15, 1874	3,060 00	17,875 00
John McNutt	May 27, 1878	3,060 00	4,783 33
Nathaniel H. McLean	Mar. 3, 1875	2,925 00	14,121 25
Franklin E. Hunt	June 7, 1879	3,060 00	1,191 67
Henry Prince	Dec. 31, 1879	3,060 00	.....
Harvey A. Allen	Apr. 10, 1879	3,060 00	2,166 66
Francis O. Wyse	Feb. 28, 1879	3,060 00	2,508 33
Joseph Stewart	Aug. 25, 1879	3,060 00	1,041 63
Thomas E. Maley	Dec. 15, 1870	2,475 00	20,831 25
Charles G. Freudenberg	Dec. 15, 1870	2,475 00	16,229 47
Thomas Shea	Dec. 15, 1870	2,475 00	21,862 50
George W. Gile	Dec. 15, 1870	2,475 00	24,116 10
Robert Avery	Dec. 31, 1870	2,475 00	22,275 00
Robert C. Perry	Dec. 31, 1870	2,475 00	22,068 75
Total	.....	.....	713,729 09
MAJORS.			
Burton Randall	Oct. 17, 1868	2,625 00	28,889 50
Isaac Lynde	July 28, 1866	2,625 00	26,635 57
William F. Edgar	Aug. 27, 1862	2,625 00	26,933 10
Henry C. Pratt	June 19, 1879	2,625 00	1,351 39
William Austine	Feb. 20, 1862	2,625 00	33,369 70
Simeon Smith	June 10, 1879	2,437 50	1,327 04
Henry B. Judd	Nov. 21, 1861	2,625 00	30,454 45
Joseph H. Whittlesey	Nov. 30, 1863	2,625 00	27,317 88
William E. Prince	Mar. 30, 1864	2,625 00	28,754 71
James N. Caldwell	Dec. 29, 1863	2,625 00	31,038 33
Robert M. Morris	Feb. 21, 1873	2,625 00	18,010 40
Albert Tracy	Nov. 4, 1865	2,437 50	28,194 58
Frederick E. Prime	Sept. 5, 1871	2,625 00	18,165 93
David H. Hastings	Dec. 7, 1863	2,625 00	35,267 34
Joseph H. McArthur	Nov. 2, 1863	2,625 00	30,929 68
Edward G. Beckwith	Mar. 20, 1879	2,625 00	2,041 68
John P. Brua	Feb. 8, 1875	2,250 00	11,018 75
Lyman Bissell	Dec. 31, 1870	2,437 50	21,944 12
Elisha H. Ludington	Mar. 27, 1879	2,437 50	1,848 39
Milton Cogswell	Sept. 5, 1871	2,625 00	21,884 68
Joseph B. Collins	Jan. 1, 1871 / Mar. 8, 1879	2,625 00	2,136 45
Edward McK. Hudson	Dec. 15, 1870	2,625 00	23,304 16
George A. Williams	Dec. 15, 1870	2,437 50	22,045 67
Hugh B. Fleming	Dec. 15, 1870	2,437 50	22,045 67
Charles C. Gray	Jan. 10, 1879	2,437 50	2,369 70
Benjamin P. Runkle	Dec. 15, 1870	2,062 50	18,648 10
Truman Seymour	Nov. 1, 1876	2,625 00	8,312 50
William B. Lane	Dec. 15, 1870	2,625 00	23,741 66
Frank H. Larned	Feb. 5, 1867	2,625 00	28,646 79
Edwin D. Judd	June 4, 1879	2,437 50	1,394 73
Valentine C. Hanna	Jan. 11, 1877	2,250 00	6,687 50
Jacob E. Burbank	Mar. 3, 1875	2,437 50	11,425 00
Joseph A. Potter	Apr. 21, 1879	2,437 50	1,685 89
Alfred E. Latimer	Mar. 20, 1879	2,625 00	2,041 68
David B. McKibbin	May 31, 1875	2,625 00	12,031 25
Henry W. Freedley	Sept. 25, 1868	2,437 50	29,594 38
Henry A. Hambright	May 6, 1879	2,437 50	1,591 00
James Belger	June 19, 1879	2,625 00	1,392 69
Herbert M. Enos	May 29, 1876	2,437 50	8,747 70
Henry C. Bankhead	Nov. 12, 1879	2,625 00	349 97
Thomas S. Dunn	June 29, 1878	2,437 50	3,656 16
Philip W. Stanhope	May 27, 1879	2,437 50	1,435 38
James M. Robertson	Mar. 20, 1879	2,625 00	2,048 96
Robert Nugent	Mar. 20, 1879	2,437 50	1,895 78
Robert C. Walker	June 22, 1878	2,250 00	3,400 00
William Hawley	June 14, 1879	2,437 50	1,327 07
Henry W. Janes	July 2, 1879	2,437 50	1,205 16
Joseph C. Clark, jr	May 11, 1864	2,625 00	25,574 51
Samuel P. Lee	Dec. 15, 1870	2,062 50	18,654 01
Total	.....	.....	712,766 74

List of officers on the retired list, United States Army, &c.—Continued.

Name and rank.	Date of retirement.	Annual pay.	Total am't paid to Dec. 31, 1879.
CAPTAINS.			
Benjamin King	Nov. 9, 1863	2,100 00	$30,254 52
Joseph H. Bailey	Aug. 27, 1862	2,100 00	24,708 46
Joseph L. Tidball	Nov. 1, 1861	1,890 00	20,412 25
John S. Garland	Nov. 29, 1861	1,890 00	30,404 47
Henry B. Hendershott	Mar. 30, 1864	1,890 00	19,409 41
Charles C. Churchill	Feb. 28, 1862	1,890 00	28,272 74
Francis H. Bates	Oct. 19, 1863	1,890 00	19,506 26
William B. Lowe	Feb. 19, 1866	1,485 00	18,653 41
Thomas W. Walker	Sept. 11, 1863	1,620 00	24,075 97
William R. Pease	Aug. 28, 1863	1,755 00	18,461 26
James Thompson	May 6, 1869	1,755 00	17,939 18
John C. Symmes	Nov. 1, 1861	2,100 00	33,327 04
William Dickinson	Oct. 3, 1863	1,620 00	21,530 95
Ai B. Thompson	May 6, 1864	1,485 00	14,711 60
Thomas H. Norton	Dec. 15, 1870	1,485 00	13,431 00
William H. Rossell	Nov. 28, 1863	1,755 00	17,258 96
Charles B. Stivers	Dec. 30, 1864	1,620 00	22,825 73
Christopher H. McNally	Dec. 24, 1866	2,100 00	22,433 32
Alexander E. Drake	Aug. 27, 1862	1,620 00	21,372 45
Alexander Murry	Mar. 30, 1864	1,485 00	16,633 91
William R. Smedburg	Dec. 15, 1870	1,650 00	14,406 33
Lynde Catlin	June 28, 1878	1,755 00	2,647 12
Charles Holmes	Nov. 28, 1863	1,485 00	20,037 16
Sheldon Sturgeon	May 17, 1876	1,950 00	7,063 37
Josiah H. Kellogg	Feb. 6, 1865	1,650 00	18,777 93
Henry B. Bristol	Mar. 20, 1879	1,890 00	1,470 00
Herbert A. Hascall	Nov. 10, 1875	1,755 00	8,979 75
Nathaniel Prime	Mar. 20, 1879	1,755 00	1,365 00
Thomas C. J. Bailey	Aug. 18, 1865	1,350 00	16,559 58
John D. Devin	Mar. 27, 1879	1,755 00	1,330 87
Henry C. Morgan	Feb. 17, 1868	1,485 00	17,164 43
Thomas T. Brand	Dec. 31, 1864	1,485 00	16,090 45
Thomas B. Burrowes	Mar. 20, 1879	1,755 00	1,365 00
George H. McLoughlin	Dec. 31, 1870	1,890 00	13,987 12
Richard C. Parker	Mar. 20, 1879	1,755 00	1,365 00
Pythagoras E. Holcomb	Jan. 30, 1869	1,485 00	15,879 21
William H. Walcott	Jan. 7, 1865	1,485 00	16,122 70
Wright Rives	Dec. 31, 1870	1,485 00	13,365 00
Adolph W. Kroutinger	June 7, 1879	1,890 00	966 00
James Powell	Jan. 8, 1868	1,485 00	13,983 75
George McGown	Mar. 14, 1865	1,485 00	14,555 80
John H. Walker	Mar. 27, 1869	1,485 00	15,701 28
Andrew M. Brown	Aug. 31, 1871	1,620 00	13,504 50
Henry B. Noble	Feb. 18, 1869	1,485 00	15,794 31
Malbone F. Watson	Sept. 18, 1868	1,650 00	16,177 20
Joseph H. Van Derslice	Apr. 23, 1879	1,890 00	1,302 00
James A. Hearn	Dec. 31, 1870	1,890 00	13,987 12
Simon F. Barstow	June 7, 1879	1,950 00	1,099 66
Henry R. Silliman	May 9, 1867	1,650 00	20,345 06
Howard Culbertson	Jan. 8, 1869	1,650 00	17,680 79
John Miller	Mar. 20, 1879	1,890 00	1,475 25
Joseph Kerin	June 28, 1878	2,100 00	3,161 67
Garrick Mallery	July 1, 1879	1,755 00	877 50
Charles M. Pyne	Dec. 15, 1870	1,485 00	13,431 00
James Stewart	Mar. 20, 1879	1,890 00	1,475 25
William Thompson	Dec. 15, 1875	1,800 00	7,367 33
James A. Bates	Dec. 15, 1870	1,485 00	13,431 00
Theodore A. Dodge	Apr. 28, 1870	1,485 00	14,326 61
John H. Donovan	June 28, 1878	1,755 00	2,647 12
Edward S. Meyer	Aug. 24, 1872	1,800 00	13,235 00
Charles E. Clarke	June 28, 1878	1,755 00	2,647 12
Charles T. Greene	Dec. 15, 1870	1,650 00	14,923 33
George S. Gallupe	Mar. 1, 1878	1,620 00	2,970 00
Hezekiah Gardner	Dec. 15, 1870	1,485 00	13,431 00
Louis E. Crone	Dec. 15, 1870	1,485 00	13,431 00
William M. Kilgour	June 20, 1873	1,350 00	9,780 82
Robert Catlin	Dec. 15, 1870	1,485 00	13,431 00
Albert Barnitz	Dec. 15, 1870	1,650 00	14,923 34
William P. Huxford	Sept. 10, 1868	1,485 00	16,341 54
Thomas H. Reeves	June 5, 1868	1,485 00	14,355 45
Joseph W. Gelray	Dec. 15, 1870	1,485 00	13,431 00
William O'Connell	Apr. 2, 1879	2,100 00	1,578 94
John H. Butler	May 14, 1870	1,650 00	15,687 44
John B. Vande Wiele	Mar. 20, 1879	1,950 00	1,516 68
Elijah R. Wells	Apr. 23, 1879	2,100 00	1,446 67
George B. Carse	Dec. 15, 1870	1,485 00	13,431 00
George Q. White	Dec. 15, 1870	1,485 00	13,431 00
William Nelson	May 29, 1874	1,620 00	9,054 00

List of officers on the retired list, United States Army, &c.—Continued.

Name and rank.	Date of retirement.	Annual pay.	Total am't paid to Dec. 31, 1879.
CAPTAINS—Continued.			
Jacob C. De Gress	Dec. 31, 1870	$1 650 00	$14, 854 58
Joseph Rendlebrock	July 23, 1879	2, 100 00	875 00
Edwin J. Conway	Dec. 31, 1870	1, 950 00	14, 940 41
Samuel K. Schwenk	May 17, 1876	1, 800 00	6, 520 00
Oscar Hagen	Apr. 4, 1879	2, 100 00	1, 557 50
James Egan	May 9, 1879	1, 950 00	1, 137 50
John McDonald	July 1, 1868	1, 800 00	17, 939 76
Thomas L. Brent	May 17, 1876	1, 800 00	6, 520 00
James S. Tomkins	Mar. 20, 1879	1, 620 00	1, 260 00
William H. Merrell	Dec. 31, 1870	1, 485 00	13, 365 00
Charles W. Hotsenpiller	June 19, 1879	1, 755 00	935 50
Joel G. Trimble	Aug. 21, 1879	2, 100 00	915 83
Frank Reynolds	June 28, 1878	1, 800 00	2, 710 00
Edgar C. Bowen	June 7, 1879	1, 620 00	918 00
William C. Minor	Dec. 15, 1870	1, 500 00	13, 644 44
Alfred B. Taylor	May 1, 1879	1, 950 00	1, 300 00
William McCleave	Mar. 20, 1879	2, 100 00	1, 639 16
Benjamin F. Rittenhouse	Oct. 7, 1874	1, 620 00	8, 478 00
Samuel E. Armstrong	June 28, 1878	1, 755 00	892 12
James T. McGinniss	Mar. 26, 1879	1, 755 00	1, 335 75
Herman Schreiner	Mar. 20, 1879	1, 950 00	1, 516 70
Peter M. Boehm	Mar. 1, 1878	1, 800 00	3, 300 00
Michael J. Fitz-Gerald	May 1, 1879	1, 125 00	1, 134 00
Joseph K. Hyer	Mar. 20, 1879	1, 620 00	1, 264 50
John L. Johnston	June 28, 1878	1, 755 00	2, 647 12
William H. Andrews	Nov. 30, 1879	1, 950 00	162 50
John Lafferty	June 28, 1878	1, 800 00	2, 710 00
George E. Ford	Mar. 20, 1879	1, 950 00	1, 516 67
David A. Irwin,	Apr. 2, 1879	1, 950 00	1, 451 67
Thomas E. Merritt	Mar. 20, 1879	1, 755 00	1, 365 00
Edward W. Ward	May 1, 1879	1, 950 00	1, 294 58
Charles King	June 14, 1879	1, 800 00	980 00
Alfred Townsend	Feb. 1, 1865	1, 485 00	17, 146 95
Paul Quirk	Jan. 5, 1865	1, 950 00	18, 754 47
Adam Badeau	May 18, 1869	.....	263 21
John F. Cleghorn	Dec. 15, 1870	1, 485 00	13, 426 87
Frederick C. Von Schirach	Dec. 15, 1870	1, 485 00	13, 431 00
John M. Hoag	Dec. 15, 1870	1, 485 00	13, 431 00
John Kelliher	Dec. 15, 1870	1, 485 00	13, 431 00
Richard W. Tyler	Dec. 15, 1870	1, 485 00	13, 431 00
George D. Hill	Dec. 31, 1870	1, 650 00	13, 730 42
Alanson E. Niles	Dec. 15, 1870	1, 485 00	13, 431 00
Thomas H. Hay	Dec. 31, 1870	1, 485 00	13, 365 00
Jacob W. Keller	Dec. 15, 1870	1, 485 00	13, 431 00
Samuel A. Porter	Dec. 15, 1870	1, 485 00	13, 426 87
Edwin C. Gaskill	Dec. 15, 1870	1, 485 00	13, 431 00
William J. Dawes	Dec. 15, 1870	1, 485 00	13, 431 00
William R. Bourne	Dec. 15, 1870	1, 485 00	13, 431 00
Wellington G. Sprague	May 21, 1870	1, 485 00	14, 250 71
Douglas G. Risley	Dec. 31, 1870	1, 485 00	13, 365 00
William P. Atwell	Dec. 31, 1870	1, 350 00	12, 150 00
George E. Judd	May 28, 1870	1, 485 00	14, 221 20
James B. Sinclair	July 1, 1871	1, 485 00	12, 300 68
William S. Johnson	May 20, 1871	1, 650 00	14, 208 33
Total	.....	.....	1, 448, 505 44
FIRST LIEUTENANTS.			
John H. McBlair	Oct. 3, 1863	1, 237 50	12, 783 65
Francis E. Brownell	Nov. 4, 1863	1, 237 50	15, 891 77
Dorus E. Bates	Jan. 25, 1865	1, 125 00	16, 909 32
Albert O. Vincent	Dec. 15, 1870	1, 237 50	11, 192 49
William G. Fitch	Nov. 16, 1863	1, 237 50	15, 272 63
Merrill N. Hutchinson	Jan. 6, 1864	1, 237 50	19, 444 39
George Williams	Nov. 11, 1863	1, 237 50	12, 064 40
William T. Pennock	July 1, 1865	1, 320 00	20, 873 87
Robert Davis	July 18, 1866	1, 237 50	18, 476 11
Charles A. Curtis	Dec. 15, 1870	1, 237 50	11, 192 49
William O. Douglass	Dec. 31, 1864	1, 125 00	16, 218 58
John H. Smith	Dec. 31, 1870	1, 462 50	11, 359 36
Charles P. Miller	Oct. 12, 1867	1, 125 00	13, 747 57
Edward B. Knox	May 7, 1870	1, 237 50	12, 316 87
Richard C. DuBois	Dec. 15, 1870	1, 237 50	11, 192 50
George J. Campbell	July 29, 1868	1, 320 00	13, 359 30
Michael Dolan	Dec. 15, 1870	1, 350 00	11, 310 30
Ransom Kennicott	Nov. 5, 1868	1, 237 50	13, 640 98
Oscar I. Converse	Oct. 19, 1868	1, 237 50	13, 546 17
James R. Mullikin	Dec. 15, 1870	1, 237 50	11, 187 47

List of officers on the retired list, United States Army, &c.—Continued.

Name and rank.	Date of retirement.	Annual pay.	Total am't paid to Dec. 31, 1879.
FIRST LIEUTENANTS—Continued.			
Charles M. Edwards	Jan. 28, 1871	1,232 50	$11,034 69
Ephraim Williams	Apr. 3, 1869	1,237 50	12,981 29
Joseph H. Hays	Dec. 31, 1870	1,237 50	11,621 87
Freeman E. Olmstead	June 28, 1878	1,350 00	2,036 25
Rollin Perkins	June 10, 1868	1,237 50	12,106 45
John Leonard	Dec. 15, 1870	1,350 00	11,365 30
John Tyler	May 29, 1874	1,350 00	7,537 50
Henry R. Jones	June 28, 1878	1,462 50	2,205 93
David I. Ezekiel	June 28, 1878	1,462 50	2,205 93
Michael J. Hogarty	Dec. 15, 1870	1,237 50	10,223 15
James M. Smith	Dec. 31, 1870	1,237 50	11,137 50
Joseph C. Coffman	July 21, 1868	1,237 50	11,432 61
Henry B. Mellen	Oct. 4, 1872	1,440 00	10,428 00
Walter F. Halleck	Sept. 29, 1868	1,237 50	13,137 06
Alexander McL. Crawford	Dec. 31, 1870	1,237 50	11,137 50
Hugh D. Bowker	Dec. 15, 1870	1,237 50	10,347 75
Nicholas D. Badger	June 28, 1878	1,461 50	2,205 93
Frank R. Rice	Dec. 15, 1870	1,237 50	11,192 50
Henry Marcotte	June 28, 1878	1,462 50	2,205 93
James T. Leavy	July 31, 1868	1,320 00	12,230 28
David H. Cortelyou	Dec. 15, 1870	1,320 00	12,298 50
Charles C. Cresson	Apr. 4, 1879	1,560 00	957 67
George E. Albee	June 28, 1878	1,350 00	2,036 25
Isaac N. Walter	Dec. 31, 1870	1,320 00	11,880 00
Edmund R. P. Shurley	Dec. 2, 1868	1,237 50	13,529 37
William Stephenson	Apr. 23, 1879	1,440 00	988 00
Henry R. Williams	Dec. 15, 1870	1,237 50	11,192 49
Royal E. Whitman	Mar. 20, 1879	1,440 00	1,120 00
James H. Sands	Nov. 30, 1879	1,440 00	120 00
Frank P. Gross	June 28, 1878	1,560 00	2,353 00
Adolphus H. Von Luettwitz	May 5, 1879	1,440 00	940 00
John M. Walton	June 28, 1878	1, 40 00	2,172 00
William H. Nelson	Mar. 20, 1879	1,350 00	1,048 75
Edward Hoppy	Nov. 8, 1871	1,462 50	10,427 72
Edward Allsworth	June 28, 1878	1,575 00	2,375 62
Patrick Fitzpatrick	June 29, 1872	1,125 00	8,443 75
George W. Budd	June 28, 1878	1,440 00	2,172 00
James H. Rice	Dec. 23, 1873	1,350 00	8,130 00
Warren R. Dunton	June 28, 1878	1,462 50	2,205 93
Jonathan A. Yeckley	June 28, 1878	1,350 00	2,036 25
George Duff	June 28, 1878	1,462 50	2,205 93
Louis A. Nesmith	June 28, 1878	1,350 00	2,036 25
Gilbert S. Jennings	June 28, 1878	1,462 50	2,205 93
Robert G. Rutherford	June 28, 1878	1,462 50	2,205 93
John Bannister	Nov. 30, 1879	1,462 50	121 87
Nelson Bronson	Nov. 30, 1879	1,462 50	121 87
Louis H. Orleman	Nov. 20, 1879	1,560 00	143 00
Robert G. Carter	June 28, 1876	1,320 00	4,631 00
Hampden S. Cottell	Feb. 29, 1876	1,350 00	5,182 50
William T. Craycroft	June 28, 1878	1,320 00	1,991 00
Charles Braden	June 28, 1878	1,320 00	1,991 00
Asa T. Abbott	Apr. 23, 1879	1,462 50	1,003 40
Benjamin D. Boswell	June 28, 1878	1,350 00	2,036 25
William H. Miller	June 28, 1878	1,350 00	2,036 25
Charles W. Keyes	Dec. 31, 1870	1,237 50	11,136 96
Henry H. Kuhn	Dec. 31, 1870	1,237 50	12,168 46
Granville Lewis	Nov. 30, 1879	1,575 00	131 25
Total			608,529 79
SECOND LIEUTENANTS.			
Henry McQuiston	Sept. 26, 1863	1,125 00	14,637 60
James Davison	Jan. 13, 1864	1,365 00	15,423 38
Luke Clarke	Feb. 28, 1865	1,155 00	17,119 67
Andrew C. Bayne	Mar. 25, 1871	1,155 00	10,125 50
William P. Hogarty	Dec. 31, 1870	1,155 00	10,395 00
Frank Madden	Dec. 31, 1870	1,155 00	10,611 29
Michael Mangam	Dec. 31, 1870	1,155 00	9,817 50
Gustave Magnitzky	Nov. 14, 1871	1,155 00	9,390 78
William N. Williams	June 28, 1878	1,260 00	1,900 50
Benjamin M. Piatt	Dec. 31, 1870	1,155 00	10,395 00
Thomas B. Reed	Nov. 14, 1871	1,155 00	9,390 78
Henry C. Johnson	Oct. 4, 1872	1,050 00	7,548 20
Samuel Walker	Dec. 31, 1870	1,155 00	10,595 00
Michael Moore	Dec. 15, 1870	1,470 00	10,141 81
Edward A. Benjamin	June 28, 1878	1,155 00	1,742 13
Total			149,034 14

List of officers on the retired list, United States Army, &c.—Continued.

Name and rank.	Date of retirement.	Annual pay.	Total am't paid to Dec. 31, 1879.
CHAPLAINS.			
John McCarty	Sept. 16, 1867	1,890 00	$17,818 84
Jared L. Elliott	Nov. 24, 1868	1,485 00	9,596 24
Alpha Wright	Oct. 3, 1879	1,755 00	424 13
George P. Van Wyck	Aug. 1, 1879	1,620 00	670 50
Vincent Palen	Dec. 1, 1868	1,485 00	15,685 66
Gamaliel Collins	Oct. 3, 1879	1,755 00	424 13
Alexander Gilmore	May 17, 1879	1,485 00	919 88
Moses J. Kelley	Oct. 3, 1879	1,620 00	391 50
Total			45,930 88

Recapitulation.

Amount paid to major-generals	$241,571 61
Amount paid to brigadier-generals	604,098 91
Amount paid to colonels	1,344,880 31
Amount paid to professors (colonels)	41,331 25
Amount paid to lieutenant-colonels	713,729 09
Amount paid to majors	712,766,74
Amount paid to captains	1,448,505 44
Amount paid to first lieutenants	608,529 79
Amount paid to second lieutenants	149,034 14
Amount paid to chaplains	45,930 88
Total	5,910,378 16

BENJ. ALVORD,
Paymaster-General, U. S. A.

PAYMASTER-GENERAL'S OFFICE, *March* 12, 1880.

46TH CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { EX. DOC. No. 80.

PERSONAL CORRESPONDENCE NEGATIVELY DEFINED.

LETTER

FROM

THE POSTMASTER GENERAL,

IN REPLY TO

A resolution of the House of Representatives relative to section 232 of the Postal Laws and Regulations.

APRIL 27, 1880.—Referred to the Committee on the Post-Office and Post-Roads.

MAY 12, 1880.—Recommitted to the Committee on the Post-Office and Post-Roads and ordered to be printed.

POST-OFFICE DEPARTMENT,
Washington, D. C., April 27, 1880.

SIR: I have the honor to acknowledge the receipt of the following resolution of the House of Representatives:

FORTY-SIXTH CONGRESS, SECOND SESSION.

CONGRESS OF THE UNITED STATES,
IN THE HOUSE OF REPRESENTATIVES,
January 9, 1880.

On motion of Mr. H. D. Money,

Resolved, That the honorable Postmaster-General be, and he is hereby, requested to inform the House, at his earliest convenience, what effect clauses four and five of section two hundred and thirty-two of Postal Laws and Regulations have upon the postal revenue, and also under what section of the law classifying mail-matter and regulating rates of postage thereon, said regulation two hundred and thirty-two was ordered by the Postmaster-General.

Attest:

GEO. M. ADAMS, *Clerk.*

Section 232 is as follows:

SEC. 232. *Personal correspondence negatively defined.*—The character of personal correspondence referred to in the preceding section cannot be ascribed to the following, viz: 1st. To the signature of the sender or to the designation of his name, of his profession, of his rank, of the place of origin, and of the date of dispatch. 2d. To a dedication or mark of respect offered by the sender. 3d. To the figures or signs merely intended to mark the passage of a text, in order to call attention to them. 4th. To the prices added upon the quotations or prices current of exchange or markets, or in a book. 5th. To all printed commercial papers filled out in writing, such as papers of legal procedure, deeds of all kinds, way-bills or bills of lading, invoices, and the various documents of insurance companies, circulars, hand-bills, &c. 6th. To instructions or requests to postmasters to notify the sender in case of the non-delivery of other than first-class matter, so that he may send postage for its return. (See section 465.)

In reply thereto I have the honor to state that section 22 of the act of March 3, 1879 (20 Statutes, p. 361), contains the following paragraph:

> There may be placed upon the cover or blank leaves of any book, or of any printed matter of the third class, a simple manuscript dedication or inscription that does not partake of the nature of a personal correspondence.

The meaning of "dedication" is obvious. Webster defines "inscription" to mean both a "consignment of a book to a person as a mark of respect, in a less formal manner than a dedication," and "something written or engraved to communicate knowledge."

The word "inscription" cannot be assumed to be used in the sense of dedication, as it is not applicable to "any printed matter of the third class" other than books, nor would a word be used in duplication of another; and in the draft of the bill prepared by the department for the classification of mail matter and fixing the rates of postage thereon, from which the sentence quoted from the act of March 3, 1879, was taken, the language of the act was used for the express purpose of remedying the oppressions and annoyances of the old law, under which a single word or even letter in writing upon printed matter subjected the whole package to letter rates.

It was the intention of the department in framing the bill, which was submitted to Congress and subsequently enacted into the law of March 3, 1879, to permit writing not in the nature of personal correspondence to be placed upon printed matter without subjecting the matter to letter rates of postage.

This was fully understood by Congress and the public, and mainly on this account the act of March 3, 1879, was hailed by the entire press of the country as one of the greatest advances ever made in our postal system.

When the question arose of drawing the distinction between writing in the nature of personal correspondence and that which was permissible under the new law, it was thought that no better guide could be found than the regulations of the Convention of Paris, adopted for the government of the Universal Postal Union by the ablest representatives of all the postal services of the civilized world.

Under that convention it is provided by section 17 of the "regulations of detail and order," that under the clause permitting writing not in the nature of personal correspondence to be placed upon printed matter—

> The character of *actual and personal correspondence* cannot be ascribed to the following, viz:
>
> 1st. To the signature of the sender or to the designation of his name, of his profession, of his rank, of the place of origin, and of the date of dispatch.
>
> 2d. To a dedication or mark of respect offered by the author.
>
> 3d. To the figures or signs merely intended to mark the passages of a text in order to call attention to them.
>
> 4th. To the prices added upon the quotations or prices current of exchange or markets.
>
> 5th. Lastly, to annotations or corrections made upon proofs or printing or musical compositions, and relating to the text or to the execution of the work.

Under the same regulations "commercial papers" are admitted to the mails at the rate of one cent for two ounces or fraction thereof, and are defined as follows by section 16:

> The following are considered as commercial papers, and admitted as such to the reduced postage sanctioned by article 5 of the convention, viz: All instruments or documents written or drawn wholly or partly by hand, which have not the character of an *actual or personal correspondence*, such as papers of legal procedure, deeds of all kinds drawn up by public functionaries, way-bills or bills of lading, invoices, the various documents of insurance companies, copies or extracts of deeds under private seal written on stamped or unstamped paper, scores or sheets of manuscript music, manuscripts of works forwarded separately, &c.

At the time the regulations under the act of March 3, 1879, were being prepared, the attention of the department was called to an editorial article in the New York Times of April 12, 1879, as follows:

One of the curious results of the recent alterations made of the code of the postal union, which went into force on the 1st of this month, is that mail-matter of certain kinds can be sent from the United States to any part of Europe, and even to Persia, or from Europe to any part of the United States, at lower rates than those charged for carrying similar communications from one part of our country to another. What are known as commercial papers are classed at five cents for any weight not exceeding four ounces, and one cent for every additional two ounces, from that up to four pounds, beyond which no packet of this kind can go. Under this heading of commercial papers are included quite a number of things which are put at letter rates in our national service, as, for instance, documents written or drawn wholly or partly by hand that do not partake of the nature of actual personal correspondence, documents of legal procedure drawn up by public functionaries, copies and extracts from deeds, way-bills, bills of lading, invoices, documents of insurance, all kinds of manuscript music, manuscript of books, magazines, and other literary works and other papers of a similar description. The regulation requires that these shall be forwarded under a band or in an open envelope. Whether a plan which conflicts at so many points with our domestic customs can be successfully carried out without imperiling the continuance of the latter remains to be seen. Our postal regulations are so thoroughly faulty that when they are brought into strong contrast with a superior system, it is not unlikely that public opinion will be aroused, and that a strong demand will be made for revision and reform. A method which make a man pay ten times as much for sending a package by mail from Philadelphia to this city as would cost him to send the same thing from Philadelphia to the extreme eastern border of Russia will not be tolerated for a great while.

Other articles expressing the same opinions appeared simultaneously in leading journals in various parts of the country, which led the gentlemen who had been designated to prepare and superintend the publication of a new edition of the Postal Laws and Regulations to bring the matter to my special attention. It certainly appeared unjust to discriminate in our postal service against American citizens, and to allow them greater privileges in their postal intercourse with foreigners than were conceded to them in their correspondence with one another, and it was thought that a reasonable construction of section 22 of the act of March 3, 1879, would permit *printed* commercial papers to be filled out in writing, without subjecting the matter to letter rates. Such papers, wholly in writing, must still pay letter postage in our domestic mails, although they may be sent from San Francisco across the continent to Europe at the reduced rates. Accordingly I directed the adoption of section 232, which is practically a combination of sections 16 and 17 of the regulations of the Universal Postal Union, so far as is permissible under our law.

The effect which the adoption of these regulations has had upon the revenue can only be estimated. In reply to a letter from the postmaster at New York, expressing a fear that the revenue would be injuriously affected, I wrote, under date of June 26, 1879, as follows:

The department does not share the apprehensions expressed by you of a decrease in the revenues consequent upon the adoption by Congress, in response to an almost universal demand from the press and the people, of a more liberal policy. Similar apprehensions were entertained and freely expressed, that the introduction of postal cards would materially reduce the revenues of the department from letter-postage. For the year ending June 30, 1872, just prior to the introduction of postal cards, the sale of postage-stamps amounted to $15,840,649; for the year ending June 30, 1873, the revenue from the stamps sold was $16,681,189, and from postal cards $310,940; for the year ending June 30, 1874, the first entire year in which postal cards were used, the revenue from postage-stamps was $17,275,242, and from postal cards $910,790.

From the last report of the Postmaster-General it appears that during the fiscal year ending June 30, 1878, the receipts from postage-stamps were $19,468,618, and from postal cards $2,006,300; thus showing that the use of letters has been increased

rather than decreased since the introduction of postal cards, and that these latter have created a demand for their use for special purposes in addition to, rather than instead of, letters. In fact, the whole history of postal legislation in this country and abroad shows that any reduction in the rate of postage, or liberalizing of the postal regulations in the interest of the people, is always sure to result in an increased use of the mails by the people, and a consequent increase of the revenues of the department; premising, of course, that the rate of postage should never be reduced below the actual cost of distribution and dispatch, transportation, and protection. It is not believed that the department does incur any loss in the transportation of mail-matter at third-class rates, viz: one cent for each two ounces, or eight cents per pound. In view of the fact that parties interested in the transporting of packages for hire have recently protested against this liberalizing policy of the department, respecting the rates for the transportation of third-class matter, it might be fair to assume that there was some profit in it.

I see no reason why the Post-Office Department, more than the Army and Navy or any other department of the government, should be conducted for the purpose of making money. It is supported by the money of the people, and the people have the right to demand from it the utmost facilities at the lowest possible cost, either in the rate of postage or in taxes for its support.

Holding these views, whenever it shall appear that the revenues of the department are exceeding its expenses, I should recommend a still further reduction in the rates of postage, and a more liberal classification of mail-matter, so as to place our domestic postal system in entire harmony with that of the Universal Postal Union.

I have as yet seen no reason to change these views, but, on the contrary, am more strongly than ever convinced of their correctness. The appended tables, prepared by the Third Assistant Postmaster-General and the Auditor, marked A and B, show that the revenues of the department were never in better condition.

While it would not be right to attribute the increase of postal business entirely to the adoption of regulations assimilated to those of the Universal Postal Union, it is at least evident that the revenues have not suffered in consequence thereof. It is true that if all the matter now carried at third-class rates paid letter postage, or if the rate of letter postage was increased to ten cents per half ounce and the same number of letters were carried as now, the revenues of the department would be greatly increased. The fact, however, as shown by the history of the postal service of every country, is that the effect of increasing the rates of postage would be to decrease the business of the department and reduce its revenues, while a decrease of the rates of postage always operates to encourage the use of the mails, thereby increasing the revenues of the department.

The facilities afforded by the new regulations to business men for advertising and extending their business have undoubtedly contributed no little to the present prosperity of the country and the increased revenues of the department.

I have the honor to be, very respectfully, your obedient servant,

D. M. KEY,
Postmaster-General.

Hon. SAMUEL J. RANDALL,
Speaker House of Representatives.

APPENDIX A.

POST-OFFICE DEPARTMENT,
OFFICE OF THIRD ASSISTANT POSTMASTER-GENERAL,
Washington, D. C., April 19, 1880.

SIR: I have the honor to inform you that the amount of postage-stamps, stamped envelopes, and postal cards *issued* to postmasters upon requisi-

tion during the nine months ended March 31, 1880, was $23,979,335.82, being an increase over the amount issued during the corresponding nine months of the previous fiscal year of $3,016,062.17, or a little more than 14 per cent. The returns from 98 principal offices in the country—those in which the free-delivery system is in operation—show an increase in the amount of stamps, &c., *sold* for the nine months ended on March 31 last of 13.3 per cent., as compared with the sales for the corresponding nine months of the previous fiscal year.

Very respectfully,

A. D. HAZEN,
Third Assistant Postmaster-General.

Hon. D. M. KEY,
Postmaster-General.

APPENDIX B.

Statement of sundry revenues of the Post-Office Department.

Post-office.	Net revenue.			
	Quarter.	Fiscal year 1878.	Fiscal year 1879.	Fiscal year 1880.
New York	1st quarter	$467,436 14	$476,498 75	$583,754 30
	2d quarter	555,344 47	583,070 28	711,926 57
	3d quarter	476,498 75	583,754 30	693,039 12
	Total	1,499,279 36	1,643,323 33	1,988,719 99
Chicago	1st quarter	155,807 13	164,628 54	209,195 38
	2d quarter	161,224 45	202,449 94	238,662 24
	3d quarter	164,628 54	209,195 38	244,789 35
	Total	481,660 12	576,273 86	692,646 97
Boston	1st quarter	160,029 98	174,485 21	205,555 43
	2d quarter	190,501 03	209,310 44	222,815 40
	3d quarter	174,485 21	205,555 43	224,336 53
	Total	525,016 22	589,351 08	652,707 36
Philadelphia	1st quarter	189,834 75	193,813 84	212,509 80
	2d quarter	205,607 61	226,250 06	245,068 58
	3d quarter	193,813 84	212,509 80	248,455 96
	Total	589,256 20	631,573 70	706,034 34
Cincinnati	1st quarter	77,139 88	80,055 70	88,081 06
	2d quarter	82,832 74	94,269 55	105,029 31
	3d quarter	80,055 70	88,081 06	108,484 26
	Total	240,028 32	262,406 31	301,594 63
Saint Louis	1st quarter	81,532 45	88,572 87	104,823 20
	2d quarter	86,914 10	100,453 90	116,616 05
	3d quarter	88,572 87	104,823 20	127,345 08
	Total	257,029 42	293,849 97	348,784 33

Total revenue of the Post-Office Department for the following periods.

Fiscal year.	Quarter.	Amount.	Quarter.	Amount.	Total.
1878	1st quarter..	$6,849,231 75	2d quarter ..	$7,404,084 30	$14,253,316 05
1879	1st quarter..	7,058,042 99	2d quarter ..	7,364,202 05	14,422,245 04
1880	1st quarter..	7,588,875 55	2d quarter ..	8,361,606 57	15,950,482 12

J. M. McGREW.
Auditor.

OFFICE OF THE AUDITOR OF THE TREASURY
FOR THE POST-OFFICE DEPARTMENT, *April* 26, 1880.

46TH CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { Ex. Doc. No. 81.

AMOUNTS COLLECTED FROM STATES UNDER ACT OF 1861.

LETTER

FROM

THE ACTING SECRETARY OF THE TREASURY,

TRANSMITTING

Information, in response to a resolution of Februarg 3, 1880, *as to amount assessed upon and collected from the States under act of* 1861, *and its supplement.*

MAY 14, 1880.—Referred to the Committee on Ways and Means and ordered to be printed.

TREASURY DEPARTMENT, *May* 12, 1880.

SIR: The resolution of the House of Representatives dated February 5, 1880, has been duly received and considered, to wit:

Resolved, That the Secretary of the Treasury be requested to furnish the House of Representatives with the amount assessed upon the States under the act of 1861 and its supplement, and the amount collected from each, and what action has been had, or what legislation, if any, is suggested, to collect the assessments from the delinquent States.

In response thereto, I have the honor to transmit herewith a report of the Commissioner of Internal Revenue, which appears to cover the points of inquiry contained in the resolution, and to make proper suggestions for the action of Congress with a view to continuing and completing the collection of the direct tax referred to.

It appears from this report that, in order to complete the business of collecting the $20,000,000 assessed upon the States, it will be necessary for Congress to extend legislative assistance as follows:

1st. To appropriate about $112,000 to defray the expenses.

2d. To authorize the department to credit Nebraska and New Mexico with their quotas of the direct tax as contemplated in the act of July 1, 1862.

3d. To authorize the "school farms" in South Carolina to be redeemed, or, in the event of failure to redeem within a given time, to sell them at public auction.

4th. Though not actually necessary to conclude the business, Congress should authorize the return of the $191,298.20 of surplus received at direct tax sales to the original owners, their heirs, &c., of property sold for these taxes.

I respectfully request that action of Congress be taken at an early day upon all these suggestions of the Commissioner.

Very respectfully,

H. S. FRENCH,
Acting Secretary.

Hon. SAMUEL J. RANDALL,
Speaker of the House of Representatives.

TREASURY DEPARTMENT,
OFFICE OF INTERNAL REVENUE,
Washington, May 3, 1880.

SIR: A resolution of the House of Representatives has been referred by you to this office for report, which reads as follows:

Resolved, That the Secretary of the Treasury be requested to furnish the House of Representatives with the amount assessed upon the States under the act of 1861 and its supplement, and the amount collected from each, and what action has been had, or what legislation, if any, is suggested, to collect the assessments from the delinquent States.

I herewith submit a statement, showing the amount apportioned to each State, Territory, and the District of Columbia, under the act of Congress approved August 5, 1861, also showing the amount paid and unpaid in each, the amount realized from sales of lands for non-payment of the direct taxes charged against them under the act of Congress approved June 7, 1862, and from resales or sales of lands which were bid in by the tax commissioners and the title thereto became vested in the United States.

State or Territory.	Quota.	15 per cent. deduction.	Amount due after deducting 15 per cent.	Total paid.	Amount unpaid.
Maine	$420,826 00	$63,123 90	$357,702 10	$357,702 10	.....
New Hampshire	218,406 66⅔	32,761 00	185,645 66⅔	185,645 67	.....
Vermont	211,068 00	31,660 20	179,407 80	179,407 80	.....
Massachusetts	824,581 33⅓	123,687 20	700,894 13⅓	700,894 14	.....
Rhode Island	116,963 66⅔	17,544 55	99,419 11⅔	99,419 11	.....
Connecticut	308,214 00	46,232 10	261,981 90	261,981 90	.....
New York	2,603,918 66⅔	390,587 80	2,213,330 86⅔	2,213,330 86	.....
New Jersey	450,134 00	67,520 10	382,613 90	*a* 382,614 83	.....
Pennsylvania	1,946,719 33⅓	292,007 90	1,654,711 43⅓	1,654,711 43	.....
Delaware *b*	74,683 33⅓	.....	.....	70,332 83	$4,350 50
Maryland	436,823 33⅓	65,523 50	371,299 83⅓	371,299 83	.....
Ohio	1,567,089 33⅓	235,063 40	1,332,025 93⅓	1,332,025 93	.....
Kentucky	713,695 33⅓	107,054 30	606,641 03	606,641 03	.....
Indiana	904,875 33⅓	135,731 30	769,144 03⅓	769,144 03	.....
Illinois	1,146,551 33⅓	171,982 70	974,568 63⅓	974,568 63	.....
Missouri *c*	761,127 33⅓	114,169 10	646,958 23⅓	646,958 23	.....
Kansas	71,743 33⅓	.....	.....	9,360 82	62,382 51
Michigan	501,763 33⅓	75,264 50	426,498 83⅓	426,498 83	.....
Wisconsin	519,688 66⅔	39,346 43	480,342 43⅔	272,657 08	207,685 36
Iowa	452,088 00	67,813 20	384,274 80	384,274 80	.....
Minnesota	108,524 00	16,278 60	92,245 40	92,245 40	.....
Nebraska *d*	19,312 00	.....	.....	.....	19,312 00
California	254,538 66⅔	.....	.....	247,445 41	7,093 26
Oregon	35,140 66⅔	.....	.....	.....	35,140 66⅔
New Mexico *d*	62,648, 00	.....	.....	.....	62,648 00
Utah	26,982 00	.....	.....	.....	26,982 00
Washington	7,755 33⅓	.....	.....	4,268 16	3,487 17
Nevada	4,592 66⅔	.....	.....	4,592 33	34
Colorado	22,905 33⅓	.....	.....	.....	22,905 33⅓
Dakota *e*	3,241 33⅓	.....	.....	.....	3,241 33⅓
District of Columbia *f*	49,437 33⅓	.....	.....	49,437 33	.....
West Virginia *g*	208,479 65	27,172 72	181,306 93	153,978 75	.....
Total	15,054,517 31⅔	2,120,524 50	12,301,013 00	12,451,437 26	455,228 47⅓

a 93 cents excess.
b See act of Congress approved February 21, 1868.
c See act of Congress approved July 17, 1862.
d See act of Congress approved July 1, 1862.
e See act of Congress approved February 25, 1863.
f See act of Congress approved July 1, 1864.
g See act of Congress approved February 25, 1867.

As there were special provisions of law governing the proceedings in the eleven late insurrectionary States requiring different headings in a tabulated statement, I submit a separate table for those States.

State.	Quota.	Tax collected.	Tax uncollected.	Proceeds from sales for non-payment of taxes, including amounts bid in excess of taxes.	Purchase money refunded.	Balance of proceeds from sales.
Virginia	$937,550 66⅔					
Deduct West Virginia	208,479 65					
Balance	729,071 01⅔	$442,571 64	$286,499 37	$113,855 57	$76,781 68	$37,073 89
North Carolina	576,194 66⅔	377,452 60	198,742 06			
South Carolina	363,570 66⅔	210,789 31	152,781 35	28,232 29		28,232 29
Georgia	584,367 33⅓	82,427 47	501,939 86			
Florida	77,522 66⅔	6,495 28	71,027 38	56,999 23	16,520 37	40,478 86
Alabama	529,313 33⅓		529,313 33⅓			
Mississippi	413,084 66⅔	69,584 55	343,500 12			
Louisiana	385,886 66⅔	314,500 83	71,385 83			
Texas	355,106 66⅔	180,041 50	174,265 16			
Tennessee	669,498 00	381,534 57	287,963 43	123,097 00	47,559 35	75,537 65
Arkansas	261,886 00	154,199 28	107,686 72	56,865 00	40,483 45	16,021 55
Total	4,945,501 68⅓	2,220,397 03	2,725,104 61⅓	379,049 09	181,704 85	197,344 24

Congress, by acts approved July 1, 1862 and February 25, 1863, provided that the amounts apportioned to the then Territories of Nebraska, New Mexico, and Dakota, should be deducted from appropriations made by Congress for specified expenses of said Territories, but through some inadvertence those Territories were not credited with their respective quotas.

The appropriations from which the quotas of Nebraska and New Mexico were to be deducted were not all used; sufficient portions thereof seem to have been unused to satisfy the amounts apportioned to each, but have been carried to the surplus fund, which necessitates legislation by Congress to be made available.

The appropriation from which the quota of Dakota was to have been deducted appears to have been used without crediting that Territory with any part of its quota, so that the entire amount apportioned to the three Territories named continues charged to them.

The amount remaining unpaid as represented upon the first table is	$455,228 47
The amount remaining uncollected in the eleven late insurrectionary States is	2,725,104 61
Total balance uncollected in all the States and Territories	3,180,333 08

Under the provisions of the act of Congress approved June 7, 1862, and the several amendments thereto, the *lands* in the eleven late insurrectionary States were charged with the direct tax, apportioned to each of said States under the act of August 5, 1861, and tax commissioners were appointed in each of those States to assess and to collect said tax.

The tax commissioners sold lands for non-payment of direct taxes, in the States of Virginia, South Carolina, Florida, Tennessee, and Arkansas, and they struck off quite a quantity of lands in each of those States except Arkansas, for the United States. In South Carolina, after the lands which had been so struck off, and the title become vested in the United States, the tax commissioners subdivided and sold some of the plantations, and sold some of the lots in the town of Beaufort.

The following statement will exhibit an approximate amount of purchase money refunded, taxes, &c., charged against the lands sold on

which the purchase money has not been refunded and the surplus proceeds from sales, &c.

In Virginia the proceeds from sales are reported as		$113,855 56
Purchase money refunded by the tax commissioners	$4,484 37	
Purchase money refunded under the act of May 9, 1872	72,297 31	
Tax, &c., on the lands sold, and on which the purchase money has not been returned	520 00	
The amount received on account of redemptions is reported as		528 35
Total amount received as proceeds from sales, and proceeds from redemptions		114,383 92
Total refunded, and taxes, &c., on lands sold, and on which the purchase money has not been refunded		77,301 68
Balance surplus proceeds from sales in Virginia		37,082 24
In South Carolina the proceeds from sales for non-payment of United States direct taxes are reported as		$28,232 29
The taxes, penalties, &c., charged against the lands so sold, are reported as		3,477 86
Balance of proceeds from the original sales		24,754 43
The lands bid in by the commissioners for the United States were struck off at sums aggregating		$77,561 18
The taxes, &c., charged against the lands which were bid in are		16,988 76
Difference between the amount at which the lands were bid in and the taxes, &c., charged against the same		60,572 42

Most of the lands and lots of land in South Carolina have been resold, and the proceeds thereof are reported as follows:

From Army and Navy sales by the tax commissioners	$137,018 68
From Army and Navy sales by the successor to the commissioners (deferred payments)	7,442 08
From head of family sales by tax commissioners	31,833 46
Head of family sales by the successor to the tax commissioners	1,542 00
Proceeds for school fund under the President's instructions of September 16, 1863	26,797 12
Proceeds for school fund under act of Congress approved July 16, 1866	56,515 35
Proceeds from sales to "loyal citizens"	41,768 00
Proceeds from sales under the act of June 8, 1872	12,761 17
Total proceeds under these headings	315,677 86
Add to this the proceeds from the original sales	28,232 29
Total received as proceeds from sales and resales	343,910 15
Deduct the taxes, &c., charged against the lands sold at first and second sales	20,466 62
Total difference between proceeds from all sales and the taxes, &c.	323,443 53

The expenses of the tax commissioners were about $150,000.

There are sixteen "school farms" in South Carolina, still owned by the United States, and rented from year to year by the collector of internal revenue. These school farms are lands which were bid in by the tax commissioners for the United States, and were excepted from the sales made under the act of June 8, 1872. Each school farm contains about 160 acres. The rentals from them all average but little over $500 per annum.

These rentals are invested in United States bonds, and the interest thereof is used for the support of public schools, under the provisions of an act of Congress approved March 3, 1873. The amount which has accumulated as a school fund under the several direct tax acts, and which has been invested in United States bonds, the interest of which

is for the benefit of public schools in the parishes of Saint Helena and Saint Luke, South Carolina, is $56,020.37.

In Florida the approximate amount left as proceeds from sales, after deducting the amount of purchase money refunded, as shown by the above table, is	$40,478 86
The approximate amount of taxes, penalties, &c., charged against the lands sold to individuals and not redeemed is	5,000 00
Deducting these taxes, &c., from the balance of proceeds from sales, leaves a surplus of proceeds from sales of	35,478 86

The expenses of the Florida board of tax commissioners are reported by said board as $47,925.

In Tennessee the balance of proceeds from sales, after deducting the purchase money refunded under the original act on account of redemptions, &c., and the purchase money refunded under the act of May 9, 1872, as indicated by the table, is	$75,537 65
The proceeds from sales under the act of June 8, 1872, are	6,530 25
The amount received from redemptors under the original act	8,732 50
The amount received as taxes, &c., on account of evictions under the act of May 9, 1872, is	1,074 80
Total	91,875 20
The amount of taxes charged against the lands sold to individuals	12,269 45
Total balance of proceeds from sales in Tennessee	79,605 75

The expenses of the Tennessee board of tax commissioners are reported as about $45,000.

In Arkansas the balance of proceeds from sales, after deducting the amount of purchase money refunded under the original act on account of redemptions and the amount refunded under the act of May 9, 1872, as shown by the table	$16,021 55
The taxes, penalties, interest, and costs charged against the lands sold amount to	1,644 63
Balance of proceeds from sales in Arkansas	14,376 92

From these statements it will be observed that the surplus proceeds from sales, after deducting purchase money refunded and the taxes, &c., chargeable, are as follows:

In Virginia	$37,082 24
In South Carolina (not including the second sales)	24,754 43
In Florida	35,478 86
In Tennessee	79,605 75
In Arkansas	14,376 92
Total	191,298 20
The proceeds in South Carolina under headings for resales	315,677 86
Total surplus, including second sales in South Carolina	506,976 06

The sales in Virginia occurred only in the counties of Alexandria, Accomac, and Northampton.

The sales in South Carolina occurred only in the parishes of Saint Helena and Saint Luke, upon the sea islands.

The sales in Florida occurred only at Saint Augustine and Fernandina.

The sales in Tennessee occurred only at Memphis.

The sales in Arkansas occurred only at Little Rock.

The records indicate that the direct tax commissioners made assessments in about one-half of the counties in the eleven late insurrectionary States, and that they made collections in each of those States except Alabama.

The tax commissioners were engaged in making assessments and collections in those States until Congress, by an act approved July 28, 1866, authorized a suspension of further collections in the eleven States referred to until January 1, 1868, and by act of Congress approved July 23, 1868, the suspension was further continued until January 1, 1869, since which date collections have not been resumed, nor has Congress taken any action further suspending the same. Congress did, however, provide by an act approved March 26, 1867, section 3—

> That the Secretary of the Treasury is hereby authorized and required to discontinue the employment of any officer or person employed under the acts for the collection of direct taxes in insurrectionary districts within the United States whenever in his judgment their service is no longer needed; and he is hereby authorized to devolve upon any officer or officers of internal revenue in said districts any portion of the duties imposed by said acts, who shall perform such duties without additional compensation.

In regard to the other States, which had not assumed the payment of the direct tax, Congress provided, by an act approved June 30, 1864, section 47, as follows:

> That the officers who may be appointed under this act, except within those districts within any State or Territory which have been, or may be, otherwise especially provided for by law, shall be, and hereby are, authorized, in all cases where the payment of such tax shall not have been assumed by the State, to perform all the duties relating to or regarding the assessment and collection of any direct tax imposed or which may be imposed by law.

The services of the direct tax commissioners and their employés in the eleven insurrectionary States were discontinued, and the duties necessary to be performed, such as taking charge of lands which had een a cquired by the United States under the direct tax laws, &c., have been devolved upon officers of internal revenue.

In Delaware the duties of making the assessment and collection of the direct tax were imposed upon officers of internal revenue, and a special act of Congress, approved February 21, 1868, was passed in regard to that State.

Delaware is the only State in which officers of internal revenue made assessments and collections of the direct tax imposed by act of Congress approved August 5, 1861.

The act of August 5, 1861, provided for an *annual* direct tax of $20,000,000, and apportioned the same to the different States, Territories, and the District of Columbia.

This act, in section 53, provided that any State, Territory, or District may assume and pay its quota in its own way by and through its own officers, and that if any State, Territory, or District of Columbia shall give notice by the governor or other proper officer thereof, to the Secretary of the Treasury of the United States, on or before the second Tuesday of February next thereafter, of its intention to assume and pay, or to assess, collect, and pay into the Treasury of the United States the direct tax imposed by this act, shall be entitled to a deduction of fifteen per centum on such portion of its quota as shall have been actually paid into the Treasury of the United States on or before the last day of June in the year to which such payment relates, and of ten per centum on such part or parts of its quota as shall have been actually paid into the Treasury of the United States on or before the last day of September in the year to which such payment relates. The same section also provided that the amount apportioned to any State, Territory, or District of Columbia may be paid in whole or in part by the release of such State, Territory, or District, to the United States, of "any liquidated and determined claim of such State, Territory, or District of equal

amount against the United States," and that in such release the same abatement shall be allowed as would be allowed in case of payment of the direct tax in money.

A subsequent act, approved May 13, 1862, extends the provisions of section 53, above referred to, to war claims which may be presented on or before the 30th of July, 1862.

Section 52 of the act of August 5, 1861, provides for the collection of the direct tax, in case a State or Territory is in actual rebellion, &c., as soon as the authority of the United States therein is re-established.

Most of the States, and the District of Columbia, except the eleven insurrectionary States, assumed and paid the amounts apportioned to them. The act of August 5, 1861, provided for an *annual* tax of $20,000,000, but Congress by acts approved July 1, 1862, and June 30, 1864, limited it to one levy, or one year's tax.

By an act approved June 7, 1862, Congress provided for the collection of the direct tax apportioned to the insurrectionary States, by and through United States direct tax commissioners.

Sections 1 and 2 of that act provide that the direct tax shall be charged against each and every parcel of land in those States (not exempt by the laws of the State or of the United States), and that said tax, together with a penalty of fifty per centum, shall become a lien thereon without any other or further proceeding whatever.

Section 3 provides that the owners of the lands may have sixty days from the date of fixing the tax within which to pay the same.

Section 4 provides that the title to each and every parcel of land upon which said tax has not been paid as above provided, shall thereupon become forfeited to the United States, and upon sale thereof, shall become vested in the United States or in the purchasers at such sale, in fee simple, free and discharged from all prior liens, incumbrances, right, title, and claim whatsoever.

The tax commissioners established their offices in the different counties, in each of the eleven States mentioned, as far as practicable, fixed the amount of tax charged against each tract or lot of land, gave public notice of the same, and of the time and place for receiving it. Many of the landowners came forward and paid the tax and penalty charged against their lands, and many did not, and the tax, penalty, &c., still continues charged against the lands on which it has not been paid.

When the tax commissioners discontinued their work, the assessment books and papers were turned over to this office, and are now on file in this department.

These books and papers indicate upon what particular tracts and lots of land the taxes have been paid, and what lands and lots were sold, which were redeemed after sale, &c.

Attention is called to the fact that the sales of lands and lots of land occurred as above stated in, *only*, the counties of Alexandria, Accomack, and Northampton, in Virginia, the Sea Islands in South Carolina, Saint Augustine and Fernandina, Fla., Memphis, in Tenn., and at Little Rock, Ark., and that in most, if not in every case, the amount bid by the purchasers and received by the commissioners was in excess of the taxes, &c., due on the several tracts of land sold, and the total proceeds of the sales, less the amount expended by the commissioners under section 6, act of Congress approved March 3, 1865, were deposited by the commissioners and covered into the United States Treasury.

The act of June 7, 1862, amended by acts of Congress approved February 6, 1863, and March 3, 1865, contains provisions for redemption of

the lands sold, and for the return of the purchase-money to the purchasers.

Some of the original owners redeemed their lands, but a larger number did not redeem.

The time for redemption expired and a larger part of the lands which had been sold under the direct tax laws to individuals or struck off for the United States, were left unredeemed.

Considerable litigation followed regarding the titles acquired under the United States direct tax laws.

The lands which had been acquired by the United States, not being very strictly guarded, except in South Carolina, were taken possession of by persons claiming original rights.

Congress by an act approved May 9, 1872, provided for the relief of direct tax purchasers who should be evicted and turned out of possession of the lands purchased by them, by the judgment of any United States court, and by an act approved June 8, 1872, provided again for the redemption of the lands which had been acquired and were still owned by the United States, excepting therefrom "school farms," national cemeteries, light-house site, and military and naval reservations.

The provisions under this act for redemptions were continued from time to time by Congress until February 1, 1877.

The time expired and the lands which had been redeemed under the act of June 8, 1872, in South Carolina and Tennessee were advertised for sale by this department and were sold at public sale, leaving such as were situated in Virginia and Florida unsold and still owned by the United States.

I respectfully recommend that the lands owned by the United States in Virginia and Florida, which come within the provisions of the act of June 8, 1872, amended by acts of February 8, 1875, and August 14, 1876, be advertised and sold at public auction.

I would also suggest that a recommendation be made to Congress to provide for the redemption of the "school farms" in South Carolina, and for the sale of the same in case of failure to redeem.

Under the provisions of the acts of Congress approved June 7, 1862, as amended, and May 9, 1872, nearly one-half of the original purchase-money has already been returned to the purchasers, and this office is advised that other suits are still pending in courts, which involve the tax titles, and the result of which may necessitate the return of more of the purchase-money to the purchasers.

In regard to the $191,298.20 surplus money received at the sales for taxes, I would say that in my opinion there is no reason in law or justice why it should not be returned to the original owners of the property from the sale of which it was received.

I recommend that such an act be passed.

This office has heretofore uniformly held that there was no law under which such surplus could be refunded after it was paid into the Treasury.

In regard to the $315,677.86 received on the resale of lands in South Carolina, after they had been stricken off to the United States for the taxes, I would say that under the law the property vested in the United States upon the sale; and therefore the original owners have no legal claim to any surplus or profit that might arise upon the resale. The payment of this money would be a mere gratuity, founded upon the equities of the case.

If a law for the payment of such surplus should be passed, in my opinion provision should be made to deduct from the amounts paid the

expenses of each sale, to be fixed by determining the percentage of expenses of the whole amounts realized from such resales.

The payment of the surplus from such resales would be difficult, as the plantations were surveyed after they were striken off to the United States and resold in squares without regard to the original boundary lines, so that the proceeds of a single sale or square might be from lands belonging originally to different plantations and different owners. Again, part of the proceeds from the resales was from persons who purchased under the "Army and Navy" provision, paid one-fourth down, then abandoned the sale and never paid the balance.

If Congress should determine to pay to the original owners, or their legal representatives, any surplus money arising from the original sales or the resales, the provision for such a purpose should be drawn so as to guard the government against any liability to pay the purchase money in any event back to the purchasers, and at the same time guard the purchaser against any injustice to him.

In regard to the collection of the unpaid portion of the direct tax, I respectfully suggest that exacting a direct tax from one land owner and permitting the tax upon the land adjoining to remain unpaid is not equitable nor in compliance with the requirements of the law. I would therefore respectfully recommend that measures be taken as soon as practicable to collect the balance of the tax in compliance with the existing provisions of law, unless Congress desires a further suspension or different methods than are already provided.

The work in the eleven States where the tax has been levied upon the lands and collected from nearly one-half of the land owners may be commenced where the tax commissioners left it, and be prosecuted by internal revenue officers under the provisions of law already referred to in this letter; and the balance due from the other States and Territories may also be collected under existing provisions of law.

As to the expenses necessary to be incurred in making those collections, I am of the opinion that the collections may be completed for about three and one-half percentum of the entire amount to be collected, or, in round numbers, $112,000, which it will be necessary for Congress to provide for.

The sooner the work is commenced, especially in those States where this tax has become a lien upon the lands against which it is charged, the fewer will be the complications encountered.

I would also suggest that authority be asked from Congress to credit Nebraska and New Mexico with their quotas of the direct tax as contemplated by the act of Congress approved July 1, 1862, sections 38 and 118, and to which reference has already been made in this report.

Respectfully,

GREEN B. RAUM,
Commissioner.

Hon. JOHN SHERMAN,
Secretary of the Treasury, Washington, D. C.

46TH CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { EX. DOC. No. 82.

DOUBLE-TURRETED MONITORS.

LETTER

FROM

THE SECRETARY OF THE NAVY,

TRANSMITTING,

In compliance with a joint resolution of Congress, reports of the boards organized to inquire into the propriety of completing certain double-turreted monitors.

MAY 14, 1880.—Referred to the Committee on Naval Affairs and ordered to be printed.

NAVY DEPARTMENT,
Washington, May 11, 1880.

SIR: By the joint resolution of April 2, 1880, I was directed to organize a board, to consist of not less than five nor more than seven officers of the Navy, to be charged with the duty of thoroughly examining in person the double turreted monitors Puritan, Monadnock, Amphitrite, and Terror, and to report, first, whether it is to the interest of the government to complete them; second, whether, if so, it is to the interest of the government to complete them according to the existing plans, models, and agreements; and third, if any change is demanded in order to make said vessels more efficient for war purposes; and to inquire into the extent and character as well as cost of such modifications as they should deem necessary, and into any other fact material to each of the foregoing questions.

These vessels are located at the following places: The Terror at Philadelphia; the Amphitrite at Wilmington, Del.; the Puritan at Chester, Pa.; and the Monadnock at Mare Island, California. Consequently, to have charged a single board with the duty of personally examining each of these vessels would not only have involved a considerable expenditure on account of travel, but have delayed the report beyond the present session of Congress. I therefore organized three boards, one for the inspection of the Puritan, another for the Monadnock, and the third for the Terror and the Amphitrite.

Each of these boards having discharged the duty assigned it, I now have the honor to communicate to the House of Representatives their several reports, wherein the results reached by them are fully and explicitly set forth.

The conclusion reached is that it is to the interest of the government that all these vessels should be completed, but upon plans somewhat

different from those originally contemplated. The modifications deemed necessary are fully explained by the respective boards; as is also the cost of completing each vessel.

I am, very respectfully,

R. W. THOMPSON,
Secretary of the Navy.

Hon. SAMUEL J. RANDALL,
Speaker of the House of Representatives.

CHESTER, PA., *May* 3, 1880.

SIR: I have the honor to inclose report of board convened to examine double-turreted vessel Puritan, and, accompanying, mail papers and plans of modifications therein referred to.

I am, sir, very respectfully, your odedient servant,

THOS. O. SELFRIDGE,
Rear-Admiral and President of Board.

Hon. RICHARD W. THOMPSON,
Secretary of the Navy, Washington, D. C.

CHESTER, PA., *May* 1, 1880.

SIR: In obedience to your order of April 10, the board have the honor to report that, after a careful inspection and examination, in person, of the Puritan, now on the stocks in the yard of John Roach, esq., at this place, they are of opiniou, in consideration of the very efficient and excellent workmanship manifested in the present structure, and the large sum which has already been expended on this vessel, that it is to the interest of the goverenment to have her completed.

Secondly. That it is not to the interest of the government to complete her wholly in accordance with existing plans, models, and agreements.

Thirdly. The board recommend the following modificationsof the existing plans, viz:

The side armor to be compound instead of iron, of a thickness of 10 inches to the depth of 4 feet 6 inches, extending along the middle of the vessel, and in wake of the turrets to the distance of 165 feet 10 inches; from thence the belt will be 7 inches in thickness, of the same depth, for 26 feet 7 inches on either end, terminating with a diminish to 4 inches for a distance of 26 feet 4 inches. The lower belt to be 4 inches thich and 2 feet 6 inches deep amidships, extending the whole length of the vessel.

The armor backing to consist of the best Georgia yellow pine instead of white oak.

There are to be two turrets of the Ericsson type; interior diameter 26 feet 6 inches and height 9 feet 6 inches, mailed with 12 inches compound armo r. The pilot-house to be covered with 10 inches of the same material and the smoke-pipe and the ventilator with 8 inches.

The passages on berth deck to be shifted in against engine and fire-room bulkheads; the spaces vacated to be used for coal.

Yellow pine of 3 inches in thickness to constitute the planking of both upper and berth decks; to be increased in the former to the width of three strakes to 4 inches in thickness, on either side, next to the waterways. The deck-house to be abolished and the apartments placed below, leaving the platform or bridge between the turrets.

The armored ventilator to be increased from 8 feet to 11 feet in diameter.

For further information relative to the foregoing alterations and the location and number of bulkheads for water-tight compartments, see plans L, M, N, & O.

The boats to be eight in number, as follows:

	Feet.
One steam-cutter, length	34
Two cutters, length	34
Two cutters, length	32
Two pink stern boats, to be fitted as life-boats, length	28
One gig, length	28
One dingey, length	18

These boats, if given the necessary width and depth, will be of sufficient capacity to carry the crew in an emergency.

The board concur in the following suggestions made by the Stevens Board, so called, viz:

No. 1. The substitution of a wooden bulkhead, instead of iron, on frame 14..

No. 2. The removal of the iron compartments between frames 25 and 27.

No. 4. The omission of cement except the amount necessary to cover the strakes of plating, and allowed for in the estimate of weights.

No. 7. The substitution of wrought-iron bumped plates for cast-iron flooring in engine and fire rooms.

No. 8. The substitution of an iron bulkhead for the transverse bunker between engine and fire rooms. (See plans G and D.)

No. 10. The omission of extra weight in berth-deck beams, girders under berth-deck, and other items recommended by the late board.

No. 11. The reduction of the proposed weight of engine beds.

No. 12. The omission of the shoot, only for ashes.

No. 14. The reduction of the capacity of coal-bunkers to 514 tons.

No. 15. The reduction in diameter of the upper-fastening bolts of armor plates on side to 3 inches.

No. 18. The strengthening of the lower course of unarmored smoke-pipe and ventilator for securing topping-lifts for boats.

No. 22. The auxiliary pumps in engine-room to be placed on brackets above the level of the flooring.

No. 23. The boilers to be protected against the effects of employing the vessel as a ram.

No. 24. The position of the engines, boilers, coal-turrets, magazines, shell-rooms, smoke-pipe, ventilator, &c., to be shifted forward, as shown in red on plans G and D.

The accompanying paper, marked No. 1, gives the several estimated weights and the displacement at 18 feet draft, leaving a freeboard of 30 inches.

The displacement is in excess of the weights 226 tons.

This excess will allow a heavier armament, and probably an increase in the quantity of coal.

Should a further decrease in the weights be desired, the side armor could be reduced $\frac{1}{2}$ inch and the other armor in proportion, leaving the resisting power quite equal to the iron armor designed for this vessel.

The advantages of moving the passages between the forward and after berth-deck are, that it gives a more direct communication, fore and aft; increases the coal space, and, in case of accident to the boilers, it facilitates the closing of the boiler stop-valves.

The board recommend two additional blowers for turrets and two for

fire-room, with engines and connections complete; and also that the propellers should be so lengthened that their surface will be increased 15 per cent.

Cost of additional water-tight bulkheads	$4,509 70
Cost of moving bulkheads on berth-deck	1,000 00
Cost of increase in size of boats	1,000 00
Cost of additional blowers	7,500 00
	14,009 70
Less cost of compound armor compared with the armor designed for this vessel	11,907 33
Less cost of pine backing compared with oak	252 00
	12,159 33

In conclusion, the board would respectfully suggest, owing to the indefinite tenor of the contract of March 3, 1877, for building the hull of the Puritan, that, before any more work is done on this vessel, a new contract should be made, with full specifications and detailed drawings.

Respectfully submitted by your obedient servants,

THOS. O. SELFRIDGE,
Rear-Admiral and President of Board.
F. M. RAMSAY,
Captain and Member.
ROBT. L. HARRIS,
Chief Engineer, U. S. N., and Member.
JOHN C. KAFER,
Passed Assistant Engineer, U. S. N., and Member.
W. L. MINTONYE,
Naval Constructor, U. S. N., and Member.
GEO. F. MALLETT,
Assistant Naval Constructor and Member.

I concur in the above report, with the exception, that, in my opinion a more formidable ship could be obtained for the Navy from this hull as it now stands by the erection of a central citadel, say, 120 feet in length, having the turrets on the top at either end, the whole to have 12-inch armored plates (steel faced). The upper deck I would carry to the ends of the ship for the accommodation of the officers and crew. The additional weight of this superstructure would bring the armored deck just at or near the load water line, which would be the best position for fighting the ship.

SAM. H. POOK,
Naval Constructor, U. S. N., and Member.

Hon. RICHARD W. THOMPSON,
Secretary of the Navy, Navy Department, Washington, D. C.

No. 1.

Weights, displacement, &c., of the United States double-turreted vessel on the stocks at the yard of John Roach, esq., Chester, Pa., as follows, May 1, 1880:

	Tons.
Hull on the stocks, exclusive of deck armor	1,638 00
Side armor (compound)	502 90
Side armor, bolts, nuts, and washers	25 50
Backing, Georgia yellow pine	119 50
Backing, bolts	3 91

	Tons.
Deck armor (iron) and fastenings	469 08
Smoke-pipe, armored, complete	62 66
Ventilator, armored, complete	62 66
Two turrets, armored, complete, Ericsson's type, including gearing and foundation	630 20
Pilot-house	40 16
Joiner and plumbing work between turrets, boats and davits, steam steerer, steam windlass, 50,000 pounds of cement, deck fittings, furniture, and all other appendages for completion of hull	382 10
Bulkheads, iron, additional for water-tight compartments	19 24
Steam machinery, complete, boilers filled, and spare machinery, turret engines, &c., &c	996 56
Coal in bunkers	514 00
Armament, ammunition, and ordnance stores	205 00
Anchors, chains, galley, and all equipments, outfits and stores	67 95
Provisions and clothing and water	50 62
Steam-engineering stores and grate bars (spare)	16 31
Navigator's stores	5 00
Medical stores	1 18
Construction stores	12 05
Officers' mess stores	6 57
Men and effects	18 75
	5,848 95

Displacement in tons (sea-water) at 18 feet:

Water-line above base	6,075 39
Area of the immersed transverse section, at ⊕ in square feet	1,037 70
Area of the 18-foot water-line, in square feet	14,127 65
Tons per inch, at 18 feet water-line (sea-water)	33,704
Center of gravity of vessel abaft ⊕ in feet	2,125
Excess of displacement over weights, at 18 feet draft, in tons	226 44

Respectfully submitted,

THOS. O. SELFRIDGE,
Rear-Admiral and President of Board.

REPORT OF THE BOARD ON THE AMPHITRITE AND TERROR, APRIL 26, 1880, PHILADELPHIA, PA.

COLONADE HOTEL,
Philadelphia, Pa., April 29, 1880.

SIR: I have the honor to forward herewith the majority and minority reports of the board convened by your order, agreeably to a resolution of Congress, for the examination, &c., of the monitors Amphitrite and Terror. The board is unanimous in its opinion that, in view of the large sums already expended on these vessels, it is for the interest of the government to complete these vessels, while differing in their ideas as to how they should be completed. They are also unanimous in the opinion that compound armor should be substituted for the sides and other armored parts for the iron plaiting originally designed. This would involve the annulling of present contracts or a modification of them.

Appended to the reports is—

1. A copy of your instructions to the board, marked A.
2. An official communication from Commodore Jeffers, Chief of the Bureau of Ordnance, giving the weights of the proposed armaments of these vessels, marked B.
3. A statement from Messrs. Harlan & Hollingsworth of their several contracts, with the amounts paid and claimed by them, marked C.
4. A statement from W. Cramp & Sons' Co. of their several contracts, with the amounts paid and claimed by them, marked D.

5. A drawing showing the proposed compound side-armor compared with the iron-armor, which is in place on the sister vessel Miantonomoh, marked E.

Having concluded the duties for which it was called together, the board awaits your further orders.

Very respectfully, your obedient servant,

GEO. HENRY PREBBLE,
Rear-Admiral U. S. N., President of the Board.

Hon. R. W. THOMPSON,
Secretary of the Navy, Washington, D. C.

COLONADE HOTEL,
Philadelphia, Pa., April 26, 1880.

SIR: We have respectfully to report that, in obedience to your order, a copy of which is appended, we met in Philadelphia on the 14th instant, and subsequently made a thorough examination of the monitors Terror and Amphitrite, and also of the Miantonomoh, sister ship of the other two.

This latter vessel being in the water, her present weight was easily ascertained by reference to the furnished scale of displacement; and her final weight, if completed according to the present plans, by adding the known weights of objects yet to go on board. By this method it is ascertained that her mean draught of water, under these conditions, and in fresh water, will be 14 feet 2 inches, and her freeboard amidships 34 inches to top of wooden deck. These points established, we are enabled to obtain with accuracy the displacement, draught of water, and freeboard, with the additional weights consequent upon the changes we propose.

Referring to terms of your order in the sequence in which they are named, we have to state as our determination and opinion—

First. That it is decidedly to the interest of the government to finish these vessels. As they now stand they represent a large amount of money, which would be almost entirely lost to the government if they were to be sold or otherwise disposed of. If completed, as herein proposed, we believe they would be of great service to the country in case of threatened or actual war, and return full compensation for whatever sum their completion may require.

Second. That it is not to the interest of the government to complete these vessels according to the existing plans, but that the changes specified below should be made to increase their safety and qualities of attack and defense.

1. The substitution of what is known as compound armor-plate, *i. e.*, iron plate faced with steel, for the simple iron armor contemplated by the existing plan.

2. Substituting for present dimensions of the armor plating one upper course 4 feet wide and 7 inches thick, extending from the stem to a point 5 feet abaft the after water-tight bulkhead, continuing the course around the stern with plates 6 inches thick; below this course another of 4 inches thickness, 2 feet wide, extending from the stem to the point aft, where it becomes of a width insufficient for proper fastening.

3. That the use of the original turrets, pilot-house, armored smoke-pipe, and air-duct be abandoned, and others constructed of compound armor plates, of the following thickness, viz:

For the turrets $10\frac{5}{8}$ inches, backed by three courses of 1-inch plates of simple iron.

For the pilot-house, 9 inches, backed by two plates of simple iron three-quarters of an inch thick each, and

For the smoke-pipe and air-duct plates of the same character and thickness as given above for the pilot-house.

Retaining the same internal diameters for these structures, all the interior fittings of the old ones required for the new can be used.

The lengths of the side armor-plate, in order to add strength to the sides, should be not less than 24 feet, and longer if possible.

4. The extension of water-tight bulkheads to the upper deck similar to those placed in the Miantonomoh, by order of the Bureau of Construction.

These changes as proposed will increase the weights as follows:

	Tons.
Inside armor	28.93
In turrets, pilot-house, smoke-pipe, and air-duct	60.00
In bulkheads	29 2

This latter item does not, however, reduce the freeboard, as they are already in place on the Miantonomoh, the known displacement of which vessel forms the basis of our calculations for the others. We are officially informed that it has been determined by the Bureau of Ordnance to change the armament of these vessels, substituting for the muzzle-loading XV-inch smooth-bore cast iron guns X-inch breech-loading steel rifles. This change we approve.

The added weights, which affect the computed displacement and freeboard, are those which come from the increase in side armor in turrets, pilot-house, smoke-pipe, and air-duct, amounting to 88 tons; from this the freeboard will be reduced to about 30 inches. This increase in weight and displacement will somewhat reduce the speed of the ships.

But as the horse power cannot be increased without a considerable addition to the weights, we advise no change in the motive machinery proposed.

Third. As to the cost of completing those vessels, we find as follows: That all the work under what is known as the first and second contracts for hull and that for the boilers is substantially finished and paid for, excepting certain reservations; in the case of the Terror of $12,500 on the second contract on the hull, and $22,850 on the boilers, or in all $35,350.

On the Amphitrite these reservations are on the second contract, on hull $1,300, and on the boilers $20,000, amounting in the aggregate to $21,300.

Assuming that the government is bound by the contracts already made for the completion of the hull proper, including the side armor, and for the engines, the prices for which are respectively $348,000 and $230,000, it remains for us to state the additional cost of the changes we have herein proposed.

We give for the changes in the side armor, $50,000; for new turrets, new pilot-house, smoke-pipe, and air-duct in place on board, $275,000; for the extension of the previously mentioned bulkheads, $7,500.

The change directed by the Bureau of Construction in the base ring of the turrets will involve a change in the deck beams beneath them, and will cost for the Terror when the work is nearly completed about $8,000. In the case of the Amphitrite, where it is not nearly finished, we think nothing should be paid, as the cost of the changes will about equal the cost of completion according to the original design.

Collecting these items, we find the cost of completing these vessels is as follows:

For the Terror:

Reservation on hull	$12,500
Reservation on boilers	22,800
Third contract on hull	348,000
Contract for engines	230,000
Changes in side armor	50,000
New turrets, pilot-house, smoke-pipe, and air-duct	275,000
Extension of bulkheads	7,500
Change in turret ring	8,000
Total	953,800

For the Amphitrite:

Reservation on hull	$1,300
Reservation on boilers	20,000
Third contract on hull	348,000
Contract for engines	230,000
Changes in side armor	50,000
New turrets, pilot-house, smoke-pipe, and air-ducts	275,000
Extension of bulkheads	7,500
	931,800

In addition to these sums, the new guns and carriages will cost $76,600 for each ship, making the total cost to complete the Terror $1,030,400; to complete the Amphitrite, $1,008,400.

We are, very respectfully, your obedient servants,

GEO. HENRY PREBLE,
Rear-Admiral and President Board.
CHAS. H. LORING,
Chief Engineer and Member.
GEO. R. JOHNSON,
Chief Engineer and Member.
H. L. HOWISON,
Commander and Member.
T. D. WILSON,
Naval Constructor and Member.
GEO. R. BOUSH,
Naval Constructor and Member.

Hon. R. W. THOMPSON,
Secretary of the Navy, Navy Department, Washington, D. C.

A.

NAVY DEPARTMENT,
Washington, April 6, 1880.

SIR: You are hereby appointed president of a board, consisting of yourself, Naval Constructor John Lenthall, Chief Engineers Chas. H. Loring and George R. Johnson, Commander H. L. Howison, and Naval Constructors T. D. Wilson and G. R. Boush, to perform the duty specifically set forth in the joint resolution of Congress (a copy of which is inclosed), in so far as the Terror and Amphitrite are concerned.

You will therefore proceed, with as little delay as possible, to organize said board at Philadelphia, Pa., where the Terror now lies, in the yard of Messrs. Cramp & Sons, and at Wilmington, Del., where the Amphitrite is, at the yard of the Harlan & Hollingsworth Company, to thoroughly examine them in person, and to determine, first, whether it is to the interest of the government to complete said vessels; second, if so, whether it is to the interest of the government to complete the same according to the existing plans, models, and agreements; third, if any change is demanded, in order to

make said vessels more efficient as war vessels, you will inquire into the extent and character, as well as cost, of such modifications, and also into any other facts material to the foregoing inquiries; and you will report the result of your inquiries to the department. You will confer with Naval Constructor F. L. Fernald, at Chester, Pa., who will give you full information concerning those vessels.

Whatsoever drawings, models, or other information you may desire during the progress of your labors, will, upon application to the department, be furnished you.

The members of the board have this day been directed to report to you by letter, and when notified by you of the date of the convening of the board to proceed to Philadelphia and Wilmington.

Very respectfully,

R. W. THOMPSON,
Secretary of the Navy.

Rear Admiral GEORGE H. PREBLE, U. S. N.,
Brookline, Mass.

B.

BUREAU OF ORDNANCE, NAVY DEPARTMENT,
Washington City, April 10, 1880.

ADMIRAL: The bureau incloses herewith a memorandum of weights of ordnance, &c., of monitors Terror and Amphitrite.

I am, sir, your obedient servant,

WILLIAM N. JEFFERS,
Chief of Bureau.

Rear-Admiral G. H. PREBLE, U. S. N.,
Senior Member of Board to examine Terror and Amphitrite.

Weights of ordnance, &c., of Terror, Amphitrite, &c.

	Pounds.
4 10-inch B. L. R., each 50,000 pounds	200,000
4 10-inch B. L. R. carriages, each 10,000 pounds	40,000
400 10-inch B. L. R. projectiles, each 400 pounds	160,000
Howitzers, &c	
Small arms, &c	3,500
Magazine stores, powder, &c	50,000
Miscellaneous	4,000
Books	100
Torpedoes	6,500
	464,100
Tons	205

The old turrets of 10⅜ inches, with pilot-houses, impregnable smoke-stacks, and ventilators of laminated armor are to be replaced with compound iron steel laced armor of same weight and thickness.

This armor is at least of double the resisting power of laminated plates, and is estimated at 20 per cent. greater resistance than solid homogeneous iron plates. It is impenetrable by IX-inch rifle Pulliser shell at the shortest range.

WILLIAM N. JEFFERS,
Commodore, Chief of Bureau.

BUREAU OF ORDNANCE, NAVY DEPARTMENT,
April 10, 1880.

C.

OFFICE OF THE HARLAN & HOLLINGSWORTH COMPANY,
Wilmington, Del., April 20, 1880.

DEAR SIR: We take pleasure in complying with your request, and hand you statement herewith.

Very respectfully, your obedient servant,

J. T. GAUSE,
Vice-President.

Rear Admiral GEO. HENRY PREBLE, U. S. N.

WILMINGTON, DEL., *April* 20, 1880.

Sums paid to the Harlan & Hollingsworth Company on account of the double-turreted monitor Amphitrite.

First contract on the hull		$135,000 00
Second contract on the hull	$155,000 00	
Less reserved	1,300 00	
		153,700 00
Materials furnished		24,889 57
Third contract for boilers	$110,000 00	
Less reserved	20,000 00	90,000 00
Amount paid		403,589 57
Fourth contract to finish the hull, &c., is		348,000 00
Fifth contract to finish the engines, is		230,000 00

The government owes us:

Reservation on second contract	$1,300 00
Reservation on boilers	20,000 00
Work done under the fourth contract, about	10,000 00
	31,300 00

D.

THE WILLIAM CRAMP & SONS
SHIP-ENGINE BUILDING COMPANY,
Philadelphia, April 20, 1880.

SIR: In reply to your favor of the 19th inst., asking for a statement of the amount of money paid and the amount due on the contracts for the building of the monitor Terror, we send you the inclosed.

Yours truly,

W. CRAMP & SONS, COS.

Admiral GEO. HENRY PREBLE, U. S. N.

Memorandum of Wm. Cramp & Sons' Ship and Engine Building Company.—Contracts with the United States Government on account monitor Terror.

Department.	Date of contract.	Amount.	Received.	Due.
Hull	October 2, 1874.	$135,000 00	$135,000 00	.....
Do	April 5, 1875.	155,000 00	142,000 00	$12,500 00
Boilers	April 14, 1875.	110,000 00	87,500 00	22,850 00
Engine	March 3, 1877.	230,000 00	.....	.....
Hull	March 3, 1877.	348,000 00	.....	.....
	Totals	978,000 00	364,500 00	35,350 00

Of the hull contract of March 3, 1877, we have finished the following, viz:

Two turret bases	$18,000 00
Repairs to turret machinery	1,950 00
Drilling for armor bolts	1,454 00
Shaft bearings	2,800 00
Injection pipes	150 00
Out-board delivery pipe	150 00
Total	24,504 00

To be deducted from the hull contract, March 3, 1877, is the item of $8,000, we owe the government for the old Terror's hull, as specified.

W. CRAMP, SONS & CO.

PHILADELPHIA, *April* 20, 1880.

PHILADELPHIA, *April* 27, 1880.

SIR: In compliance with your instructions of the 6th instant, the hulls of the iron double-turreted vessels Terror and Amphitrite have been carefully examined, the latter at the ship-yard of the builders, The Harlan & Hollingsworth Company of Wilmington, Del., and the former at the establishment of Cramp & Sons of Philadelphia.

These vessels are about half completed and are exact duplicates in form, dimensions, and material of the new Miantonomoh just finished, with the exception of the turrets, and represented to be ready in all other respects for trial at sea.

According to the evidence in Public Document No. 787 of the House of Representatives, second session of the Forty-fifth Congress, which was laid before the board, all the vessels of this class were commenced within a few days of the same date, under bureau orders from the Bureau of Construction and Repair, and for the same price. These "orders" were in fact copies of the same original, and the coincidence of date, price, and phraseology show these vessels to have been duplicates in all respects.

Such being the fact, the examination of the two half finished vessels forming the subject of this report are, under all the circumstances and conditions of the finished vessels, but recourse has been had to carefully-made estimates for such comparisons as are available.

The vessels of this class, being in all respects the same, come under the same category, and the disposition proper for one is proper for all.

These vessels have been built under "bureau orders" in the same manner as the most insignificant articles are purchased in open market; no contract was made for them; there was no guarantee or security of any kind given by the builders for their performance, and no stipulations were made for the protection of the government interest in any respect; in fact, there is no way of ever compelling the builders to proceed with the work, if unwilling or unable, and the only right the government had was to pay the money as the builders chose to progress, and as certain portions were completed, paying in full for those portions without reservation until the whole should be satisfactorily finished.

The suspended "bureau orders" of March 3, 1877, amounting to $696,000 for the hulls of the Terror and Amphitrite, are of the same character as those covered by the previous "bureau orders" of September, 1874, and April, 1875.

The suspended orders of the same date for steam-machinery (exclusive of boilers) amounted to $460,000 for these two vessels.

In the "bureau order" of March 3, 1877, there is a specious clause (page 33 of Appendix to the public document before cited) providing that—

> If through any cause they should be unable to continue the work of rebuilding the vessel as aforesaid, should appropriation be made for the purpose, it is to be understood that the government shall have the right, after giving two months' notice, to enter upon and take charge thereof and to complete it at their expense, charging any excess of cost over and above the price agreed upon to them.

This can only be considered as a mere form, for there are no parties or sureties from whom the excess could be collected, and there is given two months' notice, in which time the effects of the builders may be removed or seized by other parties or creditors.

The builders are not concerned or in any way involved in the designs, plans, or arrangements of these two vessels, nor of their performance when finished. Their only responsibility is for the proper execution of

the work, which, as far as can be seen, is smoothly done, and every part is carefully painted, to preserve it from the weather.

The vessels of the class in question differ very little in dimensions and less in form from the "old" double-turreted Miantonomoh, constructed of wood in 1862, as appears from the following dimensions of their hulls:

	Old Miantonomoh.	Terror and Amphitrite.
Length on loadline to aft side of stern-post, feet	250.00	250.00
Extreme breadth, including armor, feet	52.84	55.50
Depth from top of deck to load side of bottom plating, feet	16.83	17.00
Area of load waterline in square feet	11,621.46	11,695.00
Area of greatest immersed transure section to 14 feet draught, square feet	679.04	716.00
Displacement in tons to 14 feet draught of water, tons	3,776 68	3,815.00
Thickness of side armor in inches	7 inches from stem to stern.	7 inches amidships, tapering to 5 inch at ends.
Thickness of turret in inches	10	10
Coal carried in bunkers, tons	350	300

In the "old" Miantonomoh the armor projects beyond the vessel's side; in the new vessels the armor recessed and has its face flush with the side.

The hulls of both vessels have nearly the same linear dimensions, and their surfaces and displacements do not differ enough to be of importance in any practical estimate; and as a consequence there could be and is no increase of efficiency as far as either weight of defensive armor is concerned or of machinery to be carried, except what might be gained by reductions in the weight of coal carried, in the equipments, and in the scantling of the materials used in the construction of the hull; the latter being accompanied with corresponding diminution of strength.

In the "old" Miantonomoh the side armor was of laminated plates, and for a depth of 5 feet was 5 inches in thickness, behind which were solid plates 2 inches in thickness, making an aggregate thickness for that part of 7 inches. The remaining depth of 2 feet 3 inches of side armor was of laminated plates and 3 inches in thickness. This armor extended entirely around the vessel without diminution of thickness. The weight of the laminated armor is given in the record of the cost of the vessel at 394 tons.

The new vessels, as shown on pages 32, 38, 41, 46, and 47 of the Appendix to the Public Document before cited, have a side armor of solid plates 7 inches in thickness on the middle portion of the hull, tapering to 5 inches at the ends, for a depth of $3\frac{1}{2}$ feet, the remaining depth to be 3 inches and 2 inches thickness. The total weight of this side armor as given on page 46 of the Appendix above referred to, and also in a report of a board of engineers dated January 14, 1879, is 349 tons. From the best information attainable it really amounted to only 318 tons.

In the "old" Miantonomoh the deck plating, a most important portion of the armor defending the hull of a turret vessel, was $2\frac{1}{4}$ inches thick, being composed of three plates of $\frac{3}{4}$-inch thickness each. In the new vessels this deck plating is $1\frac{3}{4}$ inches thick, being composed of two plates of $\frac{7}{8}$-inch thickness each.

The turrets, armored chimneys, and armored ventilators, as shown in the several "bureau orders" relating to them, were intended to be those which had already been used in the "old" vessels of their respective names. These turrets, chimney, and ventilators were made of laminated plates about 1 inch thick.

The only increase of resisting power which the armor of the vessel has over that of the old ones is what is due to the substitution of solid plates for laminated ones of the same aggregate thickness on the sides of the hull alone.

The "old" Miantonomoh, built in 1862, was superio rto any armored vessel of her time, foreign or our own, while for defensive purposes the new vessels built after the enormous improvements in the design, size, and penetration of guns during the last 18 years, and after the adaptation of proportionately thicker and better armor to resist them, proposes only a close imitation of the old original, which, though excellent when built, it would be folly now to copy. With regard to the guns or the offensive power of these vessels, it is understood that for the vessel now launched and ready for trial 22½-ton breech-loading rifle guns are to be substituted for the 19-ton muzzle loading guns of 15 inches diameter of smooth-bore with which the "old" Miantonomoh was armed.

These new guns are not yet made, nor when made can be wholly placed within the turrets. They can, indeed, be got partly inside the turrets, the remaining part protruding permanently considerably beyond the ports and always in imminent danger of destruction from an enemy's shot. But although it is possible to place the breech ends of the guns in these turrets, there will remain but little room in which to handle them efficiently. In this way, although the gunners may be protected by the turrets, the guns will be greatly exposed.

If in a class of vessels having so few guns the system of allowing a considerable length of the guns to be without protection and at the risk of destruction from any well aimed shot be adopted the offensive power of these new vessels can be *nominally* increased to the extent of diameter of gun-breech that can be squeezed into the turret, but the latter, in addition to just containing the guns, must have space enough for their easy management and for the handling of the enormous weights.

There must be kept in view that other nations have as formidable guns as we can make, with the advantage of far better protection and greater facility in working than is given by the small turrets and the feeble and insignificant armor which these new vessels were intended to have.

The total weight of the armament, at the utmost, will not exceed 4 or 6 per centum of the whole weight of the vessel when ready for sea, so that it enters but to a trifling degree in a problem of this kind, and can be varied largely without practically effecting the case.

In July, 1877, an advertisement was issued for turrets for one of these vessels; the dimensions given were 22 feet external diameter, 9 feet high and 10⅝ inches thickness. These are just the dimensions of the turrets of the "old" Miantonomoh. No contract was concluded, but if new turrets of solid plates were made under the offers, an additional sum amounting to about $200,000 would have been required for each vessel.

These vessels, if completed in the manner intended by the "bureau orders" will be relatively worthless when compared with foreign ironclads of their class; and no naval officers expecting to encounter such an enemy on our coast would entertain the idea of adding more such vessels in which to risk in most unequal combat the interest of their country, the honor of their flag, their own honor, and the lives of those entrusted to their command.

Such vessels, together with the Ajax, Nahant, Passaic, &c., in all fourteen turreted vessels, additional to the four of the new Miantonomoh class, can only be properly used in the defense of our small rivers and creeks if the depth of water will float them, up which the gunboats of

an enemy might be disposed to venture for our annoyance; but they never can be successfully used to meet the armored vessels of their class that can and will cross the Atlantic to attack us in our large bays, harbors, and rivers. Should an attempt ever be made to use them for that purpose, the result could only be national injury and humiliation, with the discredit of all concerned in their production.

On pages 8, 9, and 14 of the appendix to the public document already named, it is stated that the same steam machinery is intended to be used in all the vessels of the new Miantonomoh class, and in a carefully prepared report by a board of naval engineers, dated the 14th January, 1879, the weight of this machinery is given in very complete detail, that of the motive machinery alone being stated at 532 tons.

The corresponding weight in the old Miantonomoh was 368 tons, with which that vessel had a sustained speed of 9 knots.

The grate surface in the vessels of the new Miantonomoh class is 369 square feet, and in the old Miantonomoh it was 312 square feet.

Taking the grate surface or steam-producing capacity of the machinery in the two cases as the measure of the power it can develop, the new vessels have a little over 18 per centum more power than the old.

The plane of resistance, however, of the new vessel is more than 5 per centum greater than that of the old vessel, so that in proportion to resistance the new vessel has about 13 per centum more power than the old, which would give it a sustained speed of, say, $9\frac{1}{2}$ knots per hour.

It may be asserted that the new machinery is more economical of fuel han the old, but this is only a matter of opinion; allowing the claim, however, the sustained speed of the new vessel cannot exceed 10 knots per hour.

There also appears that, in proportion to the grate surface, or, in other words, in proportion to the power which the machinery can develop, the new machinery is over 22 per cent. heavier than the old.

In both cases twin screws are employed for the propulsion.

The excess of 164 tons in the weight of the steam machinery of the new vessels must have absorbed a large portion of the weight which could be pinched from the materials and strength of the hull.

In addition to this the new vessel carries 50 tons or one-seventh less coal than the old one.

From the foregoing it will be perceived that the vessels of the new Miantonomoh class are simply a reproduction of the old Miantonomoh, with the exception of the substitution of short solid plates for laminated armor in certain parts; the vessel is of exactly the same type and arrangement and has almost exactly the same dimensions; the side armor of the same thickness; the turrets are the same in number and dimensions; the ventilation is a duplicate; the mode of propulsion by twin screws is the same also. In the design of every part the progress of the last 18 years has been ignored, and the nation is offered as its latest production of a first-class modern iron-clad, a simple and in some respects inferior copy of what was once a fine original in wood, but which the progress of the industrial arts have long since rendered obsolete and effete.

The completion of these vessels involve the expenditure of an enormous sum, and to complete them in the manner that seems to have been hastily and unadvisedly proposed in the "bureau order" would, as far as any valuable result is concerned, be to spend that money in vain.

If completed on those plans, they would be useless for any warfare except against unarmored vessels; no modification which can now be made will render them equal to the foreign iron-clads for which they

were intended and ought to be a match; but a great deal may be done to improve them and to utilize the large sums already expended on them.

As they will probably last many years they should be designed in a manner that will insure their future usefulness, rather than on any temporary or make-shift plan to get rid of a present difficulty. The good of the government should alone be consulted without regard to interested clamor.

It is recommended that no further work be done on these vessels in prosecution of their present plans; that the "bureau orders" under which the present plans were to be executed be annulled; that any claims which the builders may have on the government for work or damage legally incurred be adjusted and paid; that the vessels be launched and towed to the most convenient navy-yard, thus relieving the builders of the embarrassment of which they complain in having their ship-yards so encumbered. The vessels should remain at the navy-yard until the proper designs can be prepared for their completion on the best plan their condition will permit, thereby saving wharfage and other expenses at the ship-yards of the builders.

The "bureau order" under which these vessels have thus far progressed was for the iron hulls alone, exclusive of armor and fittings of any kind; under the "order" of April, 1875, it is claimed by the builders there is an amount yet due them, which for the two vessels is stated to be $5,800.

The last "bureau order" of March 3, 1877, for the side armor and fittings of various kinds has been suspended, but a small amount of work has been done which was included in the order, and for which a claim as extra work can be made; this claim, as shown on pages 36 and 157 of the public document before cited, does not exceed $34,000.

The builders undertook these vessels with the understanding that the execution was wholly contingent on appropriations to be thereafter made by Congress.

No further expenditure, for the present, should be made on these vessels, except what is necessary to launch them, to pay for the actual amount of extra work which may have been done upon them, and to provide for their protection at some navy-yard, an amount not exceeding $36,000 for the hulls of the two vessels.

About $44,000 is said to be yet due on the boilers. Upon the engines no work has been done. The cost of launching will be about $3,000 for each vessel, which, as it forms no part of the work in the "orders" now said to be completed, will be a charge against the government. It is embraced, however, in the "bureau order" of March 3, 1877, which has been suspended.

On page 65 of the public document before cited, there is a statement that the vessels cannot be launched until the wood-backing of the armor was in place, as the bolt-holes necessary to secure it would be under water. This is wholly a mistake; for if the hull proper was completed in every respect, except only this wood-backing and the side armor, the armor shelf, on which the backing rests, would be 3½ feet above the water. It is not considered to be the interest of the government to abandon or break up the hulls of these two half-finished vessels, on which 580 thousand dollars have already been expended for labor alone. Their real cost to the government can never be known, from the vicious system adopted in their building, of trading old iron belonging to the Government for new material furnished by the builders, a system that may be made to cover great abuses.

After these vessels are delivered at the navy-yards, the proper bureau

of the Navy Department should prepare detailed plans and specifications of all the work to be done upon them, in order to complete them in every respect according to the recommendation hereafter made, so that, if this work be done by contract, the builders can make intelligent offers, and the never-ending claims for "extra work," a change of plan, may not arise; and if the work be done by the government itself in the navy-yard, that it may be better and more economically executed from a foreknowledge of every part.

Time and study are required to perfect all the necessary arrangements, but no injury can arise to the government.

If new contracts are made, then, so far as the public interest will allow, the present builders should have the preference for the completion of the vessels. These vessels can only be made efficient by increasing the thickness of the side armor to the greatest practicable extent and by substituting one efficient turret in place of the two thin and almost useless ones contemplated by the "bureau orders."

It would seem that the machinery of less weight for the same power could be designed and should that prove to be the case, this saved weight would be extremely desirable as an addition to the armor weight. The weight of the coal carried can be reduced 50 tons, as these vessels can only be used for short runs along our own coast, and that weight might also be added to the armor.

The sustained speed, which cannot be counted on as over 10 knots per hour, should not be reduced. There can be no reduction in that, for the safety of these vessels may depend on their speed by enabling them to flee from a foreign iron-clad of their class, which at the best they will have neither the offensive nor defensive power to face successfully, a mortifying position for the naval officer who might be so fortunate as to command them.

Having determined the weight of the hulls from the available data obtainable, the following recommendations are made concerning the armor, as being practicable and best that the circumstances will admit: The side armor to be 9 inches thick for a depth of 4 feet from the top, and 6 inches thick for the remaining depth of $2\frac{1}{2}$ feet. The upper 4 feet depth to retain its thickness to within 30 feet of each end of the vessel, and thence taper to 6 inches at the ends. The lower $2\frac{1}{2}$ feet depth to maintain its thickness of 6 inches fore and aft. The 9-inch thickness to be one plate in depth, and the 6-inch thickness to be another plate in depth, making the entire armor two plates deep.

The plates to be not less than 24 feet long and made of tough iron faced with steel; unless the armor plates are lengths of not less than 24 feet, which can easily be made, as they are not warped or twisted surfaces and have but a simple curvature in one direction, the vessels will be but little better than a row of short bricks; yet as the builders seem to understand the "bureau orders," plates of only half this length have been and will be used if the armor is finished on the present plans.

The backing to be of seasoned white oak; in the vessel already completed the backing is of yellow pine.

The hulls of these vessels have the very defect of no continuous bulkheads extending fore and aft, and reaching from the bottom of the vessel to the decks, so necessary in a wide and shallow vessel; and there should be several additional athwartship water-tight bulkheads.

In lieu of the two small $10\frac{5}{8}$ thick turrets, substitute one large turret of 25 feet internal diameter and 15 inches thick solid plates, with oak backing 9 inches thick lined with iron one inch thick. A turret of this diameter affords sufficient room for the heaviest guns the vessel can

carry, and though they may be breech-loaders, they can be wholly protected. Such a diameter also renders the turret available for any improved gun, giving all the clear space desired inside. The turret plates, like those of the side armor, to be of tough iron faced with steel.

The substitution of one turret at the center of the vessel for two at the ends has the incidental advantage of diminishing her moment of inertia in turning and giving her easiness in pitching at sea.

The weight of the side armor and its backing is estimated at 600 tons; the turret, pilot-house, and connections at 450 tons; the armored chimney and ventilator at 92 tons, the armament of 2 25-ton guns at 120 tons; the steam machinery for all purposes, as in the finished vessel, and the coal at 300 tons.

If the weight of the steam machinery and the coal can be reduced the armor can be proportionally increased in thickness.

The vessel's mean draught of water will not exceed 14 feet 8 inches, leaving the top of the wooden deck not less than 2 feet 4 inches above the water in fresh water, and in sea-water it will be about $3\frac{1}{2}$ inches higher.

The top of the deck of the "old" Miantonomoh when at sea was 2 feet $4\frac{1}{2}$ inches.

If steel-faced armor be used, and it have the advantage claimed, the thickness of compound armor recommended will be equivalent in resistance to a thickness of more than 11 inches of iron alone for the side armor and of 18 inches for the turrets. By this means the vessels will be enormously improved defensively, and raised from their effete and feeble condition of a partial 7 inch thick side armor and $10\frac{5}{8}$ inch thick turrets; thus regaining as much as possible what was lost in their original design.

The cost of each vessel, completed as just recommended, including the necessary alteration and addition to the hulls, excepting only the iron side armor, is estimated as not exceeding $140,000. The compound armor-plates on the side of the vessel, estimated at 15 cents per pound, will cost about $160,000, making in all a cost of $300,000, including all the objects intended in the suspended order of March 3, 1877.

The additional cost for the turret, pilot-house, armored chimney, ventilator, and the connections will be about $235,000.

The cost of the armament may be estimated at $60,000.

The steam machinery can probably be reduced in cost as well as in weight, the boilers weighing 189 tons, being at the rate of 26.02 cents per pound, and the remaining portion of the machinery, weighing 339.9 tons, not yet made for these two vessels, at 33.11 cents per pound, under the existing bureau order.

These estimates may be exceeded, for it is impossible to tell to what degree combinations of various kinds may affect the cost at which the work ought to be done.

In conclusion, in reply to the first inquiry of the joint resolution, it is thought to be to the interest of the government to complete the vessels; second, but it is not considered to be the interest of the government to complete them according to the existing plans and agreements; and, third, the changes demanded to make them more efficient (excluding the question of the turrets) is to increase the strength of the hull, to increase the thickness of the armor, and to substitute a superior metal, the total cost of which is estimated for each vessel to be less by about $48,000 than that contemplated in the bureau order for the hull which has been suspended, and a reduction of $40,000 for

each vessel in the cost of the machinery yet to be made under the existing order.

Very respectfully,

JOHN LENTHALL,
Naval Constructor, U. S. N.

Hon. RICHARD W. THOMPSON,
Secretary of the Navy.

No. 51.] COMMANDANT'S OFFICE,
NAVY YARD, MARE ISLAND, CAL.,
April 30, 1880.

SIR: I have the honor to forward herewith, by mail, the report of a board of officers appointed by the department's order of April 5, 1880, to inspect the Monadnock, under the provisions of the joint resolution of Congress, and report thereon.

I am, sir, very respectfully, your obedient servant,

EDM'D R. COLHOUN,
Commandant, Commodore, U. S. N.
and President of the Board.

Hon. R. W. THOMPSON,
Secretary of the Navy, Washington, D. C.

UNITED STATES NAVY YARD, MARE ISLAND, CAL.,
April 30, 1880.

SIR: In obedience to the appended orders, and in compliance with the annexed joint resolution of Congress, we have the honor to report that we have thoroughly examined, in person, the double-turreted monitor Monadnock, and carefully considered all plans, models, and agreements relating thereto, and have determined, after mature deliberation, that it is to the interest of the government to complete said vessel according to the existing plans, models, and agreements, with the following modifications.

The superiority of compound armor, as shown by its greater resistance to penetration as compared with iron, induces us to recommend that it be applied to this vessel.

In the present plans, provision is made for raising the battery fifteen inches higher than in the old vessel, for the purpose of giving greater depression to the guns. This is done by raising the base rings of the turrets, and, in our opinion, weakening the turret base.

It is recommended to lower the turret armor from the inside structure, which will allow the guns the required depression, and the base of the turret the protection of the outside glacis rim. We also recommend a composition ring to be fitted inside the turret to relieve the spindle from any sudden or heavy strain, as shown in the accompanying turret plan.

We approve of the turret system, and of compound engines with twin screws.

We have satisfied ourselves that the vessel has sufficient displacement to carry the weights which are to be placed on board, and if completed with the compound armor and such improvements in detail as the experience in the construction of the more advanced vessel, the

"Miantonomah," has shown to be desirable, she will be a valuable war vessel.

We estimate the weights of the proposed armor as follows:

	Pounds.
Weight of side armor	780,320
Weight of turrets and base rings	537,842
Weight of pilot-house	127,866
Weight of smoke-pipe	56,608
Weight of ventilator	27,262
Total	1,529,898

And the cost of the modifications as follows:

For compound armor without increase of weight or thickness:

Material, at 15 cents per pound	$229,484 70
Labor, at 8 cents perpound	122,391 84
Total	351,876 54
Deduct expense of putting rolled iron armor on sides, as per agreement, estimated at 17 cents per pound for labor and material	132,654 40
The cost of modifications	219,222 14

Respectfully submitted.

EDW'D R. COLHOUN,
Commodore, U. S. N.
JOHN IRWIN.
Captain, U. S. N.
MONTGOMERY FLETCHER,
Chief Engineer, U. S. N.
A. P. COOKE,
Commander, U. S. N.
GEORGE F. KUTZ,
Chief Engineer, U. S. N.
H. S. DAVIDS,
Chief Engineer, U. S. N.
J. FEASTER,
Assistant Naval Constructor, U. S. N.

Hon. R. W. THOMPSON,
Secretary of the Navy, Washington, D. C.

NAVY DEPARTMENT,
Washington, April 5, 1880.

SIR: You have been appointed, by telegram of this date, president, and Captain John Irwin, Chief Engineer Montgomery Fletcher, Commander A. P. Cooke, Chief Engineers G. F. Kutz and H. S. Davids, and Assistant Naval Constructor Joseph Feaster, members of a board to inspect the Monadnock, and report thereon. Inclosed is a copy of the joint resolution of Congress, by which the board will be governed in its inspection, examination, and inquiries. It is very desirable that the board shall be as expeditious in the prosecution of its inquiries as possible, and that a full report, carrying out the provisions of the joint resolution, be made to the department at the earliest date possible.

Very respectfully,

R. W. THOMPSON,
Secretary of the Navy.

Commodore E. R. COLHOUN, U. S. N.,
Commandant Navy-Yard, Mare Island, Cal.

JOINT RESOLUTION directing the Secretary of the Navy to organize a board to inquire into the present condition of the double-turreted monitors, and the propriety and cost of completing said vessels.

Resolved, &c., That the Secretary of the Navy be, and he is hereby, directed to organize a board, to consist of not less than five nor more than seven officers of the United States Navy, selected at his discretion from the active and retired list, which board shall be organized immediately after the passage of this resolution, and shall be charged with the duty of thoroughly examining in person the double-turreted monitors, with a view of determining, first, whether it is to the interest of the government to complete said vessels, to wit, the Puritan, the Monadnock, the Amphitrite, and the Terror; second, if so, whether it is to the interest of the government to complete them according to the existing plans, models, and agreements; third, if any change is demanded in order to make said vessels more efficient as war vessels, to inquire into the extent and character as well as cost of such modifications, and also inquire into any other fact material to each of these questions; and of all which they will make report to the Secretary of the Navy, who shall at once transmit the same, with his opinion thereon, to Congress.

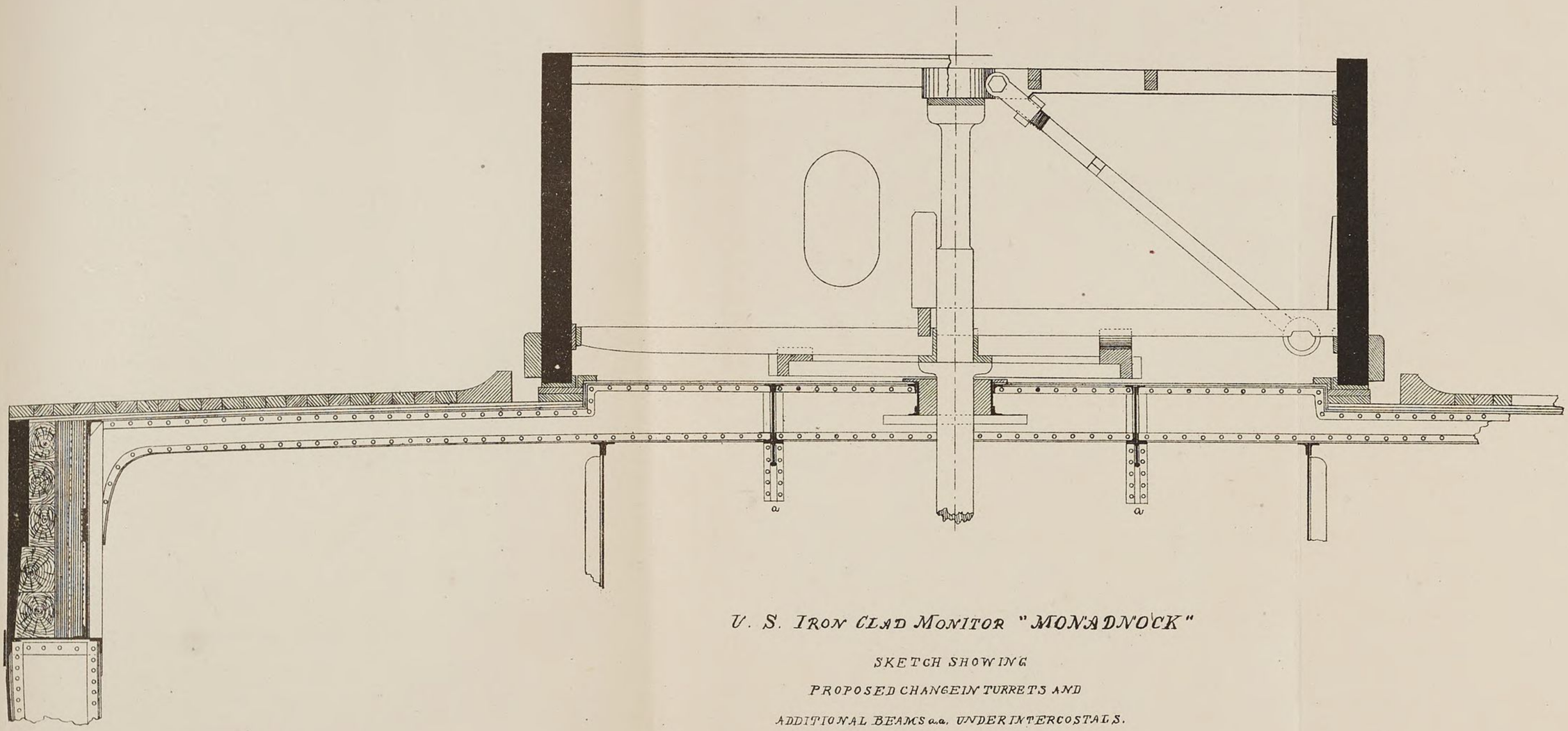
Copy of telegraphic order from the Navy Department dated Washington, April 5, 1880.

COMMANDANT'S OFFICE,
NAVY-YARD, MARE ISLAND, CAL.,
April 6, 1880.

To Commandant COLHOUN,
Commandant Navy-Yard, Mare Island, Cal.:

You are appointed president of a board consisting of yourself, Captain Irwin, Engineers Fletcher, Kutz, and Davids, Commander Cooke, and Constructor Feaster, to inspect the Monadnock, and report whether it is the interest of the government to oomplete said vessel; and, if so, whether she should be completed according to the existing plan, model, and agreements, and if, in your opinion, any change is demanded to make her more efficient, you will report the extent, character, and cost of the necessary modifications, and also report any other facts material to the foregoing inquiry. Copy of the law is sent you with written instructions; but in the mean time you will enter upon the work, so that there may be no delay in forwarding your report.

R. W. THOMPSON.



U. S. Iron Clad Monitor "Monadnock"

Sketch showing

Proposed change in turrets and

additional beams a.a. under intercostals.

House Ex. Doc. Nº 82.

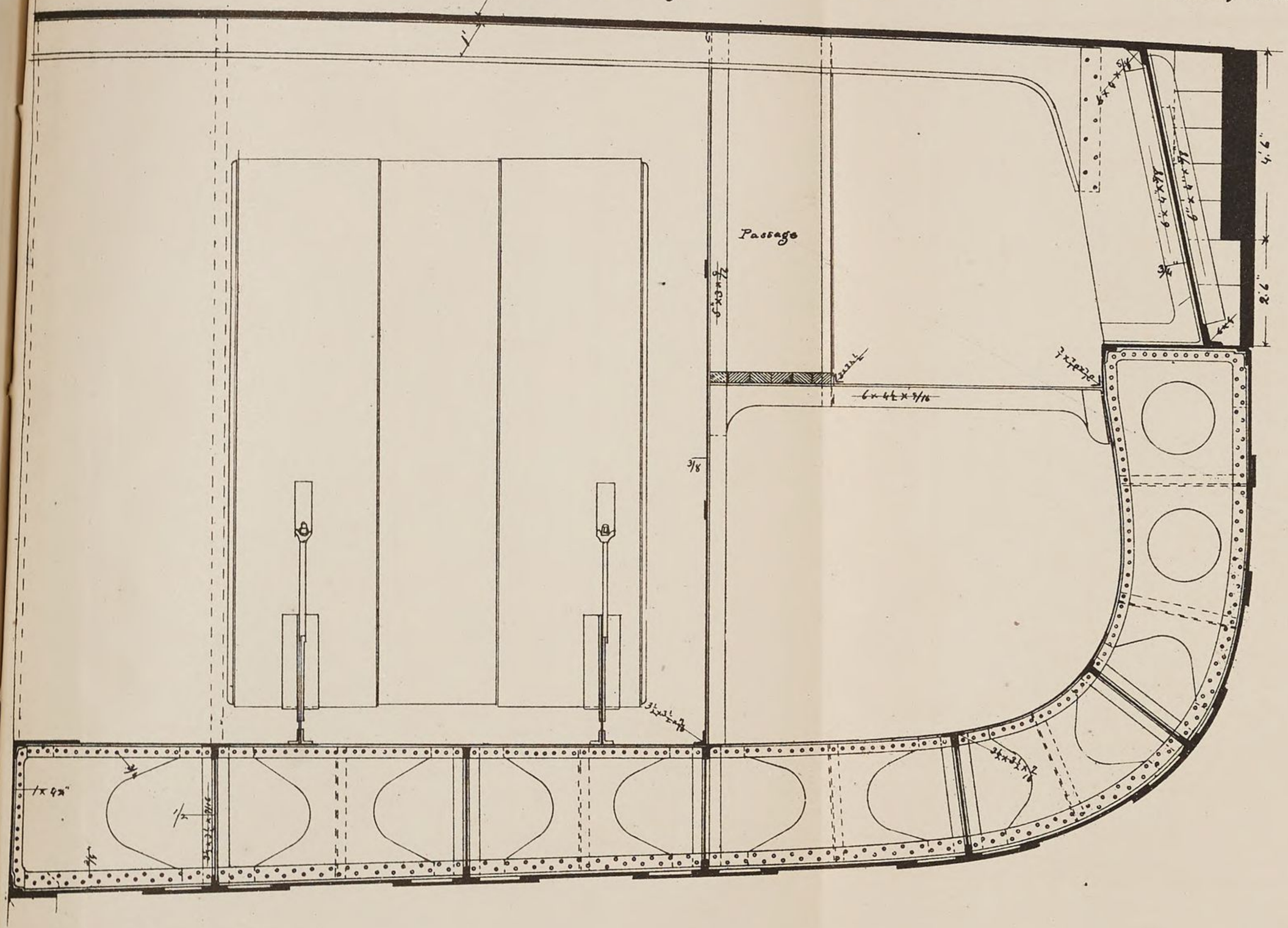
(L)

U.S Monitor "Puritan"
Midship Section

Chester Pa
Recommended by Naval Board
April 1880

Respectfully submitted
Thos O. Selfridge
Rear Admrl
& Pres of Board

Proposed alterations in Armor Plates & Passage



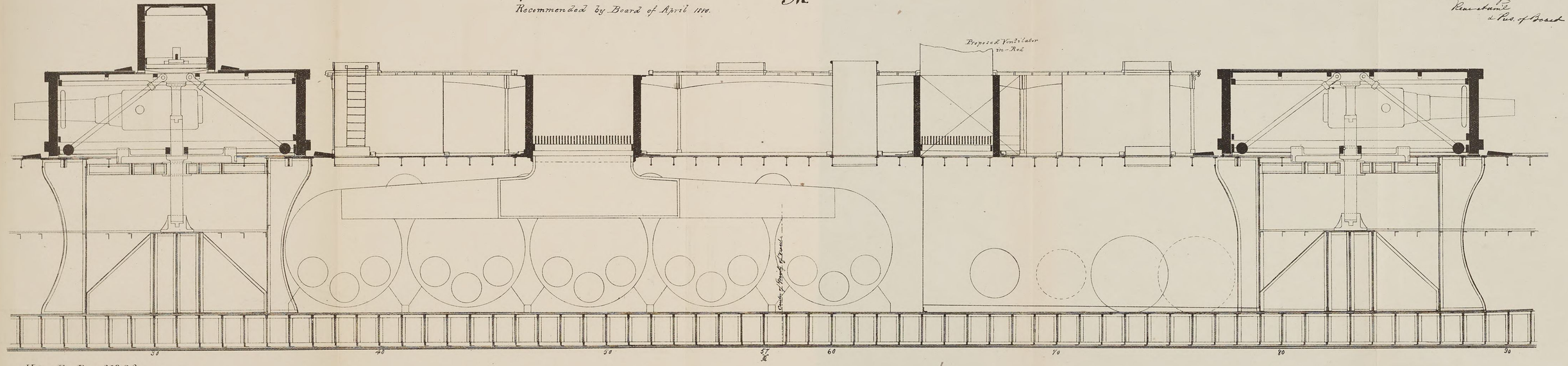
House Ex Doc Nº 82.

Copy.

Plan of Turrets, Smoke Stack & Ventilator
of U. S. Monitor "Puritan"
Recommended by Board of April 1866.

M

Respectfully submitted
A. B. Dahlgren
Rear Admiral
& Pres. of Board



House Ex. Doc. No 82.

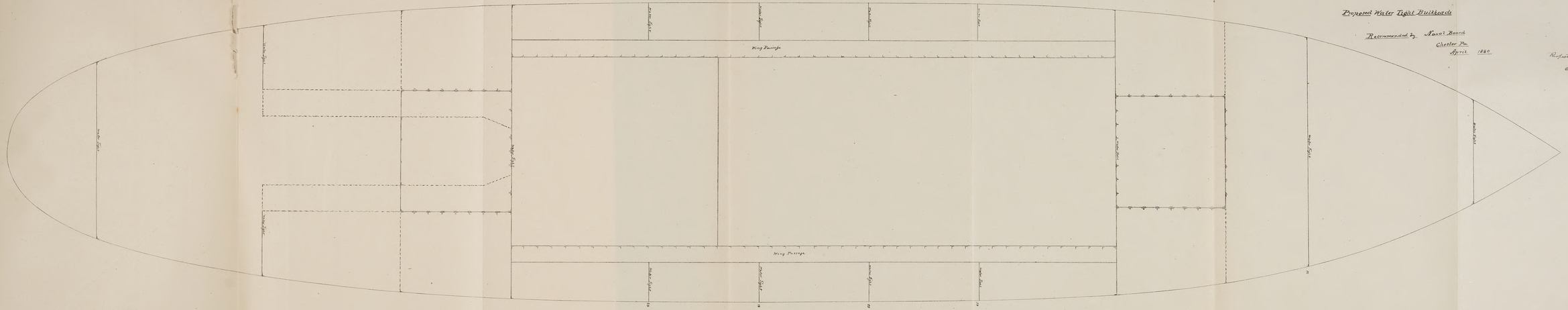
N.

U. S. Monitor Puritan

Proposed Water Tight Bulkheads

Recommended by Naval Board
Chester Pa
April 1864

Respectfully submitted
S. B. Worden
Capt
Rear Admiral
Comd of Board



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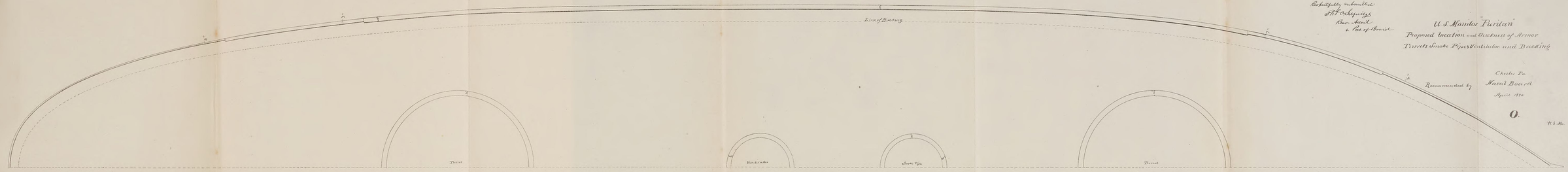
House Ex. Doc. No 82.



Respectfully submitted
S.F. Dupont
Rear Admiral
& Pres. of Board

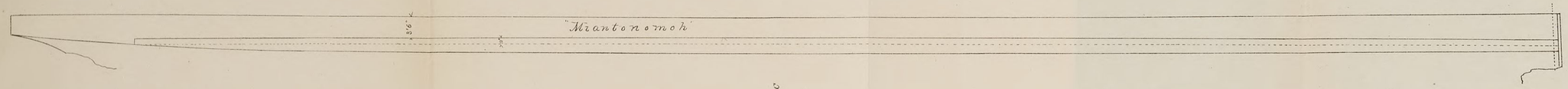
U.S. Monitor Puritan
Proposed location and thickness of Armor
Turrets Smoke Pipes Ventilator and Breeking

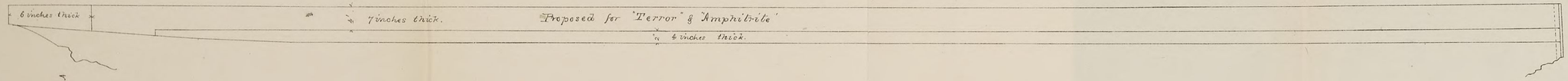
Chester Pa.
Recommended by Naval Board
April 1870

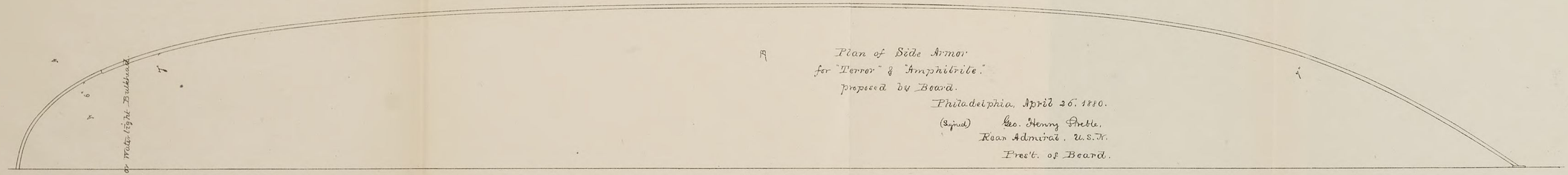
O.

W.S.M.

House Ex. Doc. N° 82.





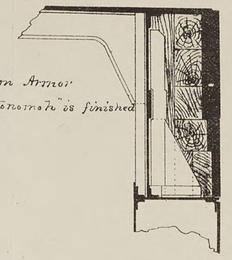


Plan of Side Armor
for "Terror" & "Amphitrite."
proposed by Board.

Philadelphia, April 26. 1880.

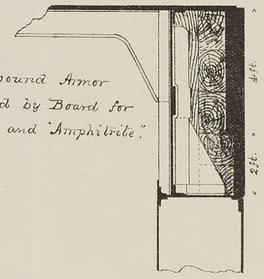
(Signed) Geo. Henry Preble,
Rear Admiral, U.S.N.
Pres't. of Board.

Section at CC.



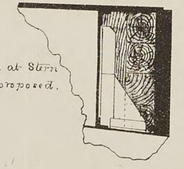
Iron Armor
as "Miantonomoh" is finished

Section at BB.



Compound Armor
as proposed by Board for
"Terror" and "Amphitrite."

Section at AA.



Section at Stem
as proposed.

House Ex. Doc. No 82.

46TH CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { Ex. DOC. 82, Part 2.

DOUBLE-TURRETED MONITORS.

LETTER

FROM

THE SECRETARY OF THE NAVY,

TRANSMITTING

Supplemental report upon the completion of double-turreted monitors.

MAY 24, 1880.—Referred to the Committee on Naval Affairs and ordered to be printed.

NAVY DEPARTMENT,
Washington, May 20, 1880.

SIR: My attention has been called by the Committee on Naval Affairs of the House of Representatives to the fact that, in my communication of the 11th instant, in reference to the double-turreted monitors Puritan, Monadnock, Terror, and Amphitrite, I omitted to accompany the same with my opinion upon the necessity and propriety of their completion. Having failed to observe that this was required of me, I now beg leave to supplement that communication with the following:

Upon an inspection of the reports of the several boards, it will be seen that upon the first question required to be answered by the joint resolution under which they were organized; that is, "whether it is to the interest of the government to complete said vessel," they have all reached the same conclusion.

The board of which Rear-Admiral Selfridge was president says, in reference to the Puritan:

> In consideration of the very efficient and excellent workmanship manifested in the present structure, and the large sum which has already been expended on this vessel, that it is to the interest of the government to have her completed.

That of which Rear-Admiral Preble was president says, in reference to the Amphitrite and Terror:

> That it is decidedly to the interest of the government to finish these vessels. As they now stand they represent a large amount of money which would be almost entirely lost to the government if they were to be sold or otherwise disposed of. If completed as herein proposed, we believe they would be of great service to the country in case of threatened or actual war, and return full compensation for whatsoever sum their completion may require.

And that of which Commodore E. R. Colhoun was president says, in reference to the Monadnock:

> That it is to the interest of the government to complete said vessel.

The unanimity of opinion in reference to each of these vessels would seem to leave no room for doubt, therefore, that the interest of the government requires the completion of all of them. In this opinion I con-

cur, for two controlling reasons: First, that to leave them uncompleted, after so large a sum of money has been expended upon them, would be bad economy, inasmuch as the loss would be very heavy to the government; and, second, because when completed they would undoubtedly be equal, if not superior, to any other vessels of their class in the world.

The only question about which there is room for doubt is that which arises upon the second branch of the joint resolution; that is, "whether it is to the interest of the government to complete them according to the existing plans, models, and agreements."

The board which examined the Puritan says:

That it is not to the interest of the government to complete her wholly according with existing plans, models, and agreements.

That which examined the Amphitrite and Terror says:

That it is not to the interest of the government to complete these vessels according to the existing plans, but that changes specified below should be made to increase their safety and qualities of attack and defense.

And that which examined the Monadnock suggests certain modifications of the existing plans and models.

It appears, therefore, that, according to the opinions of these boards, it is desirable, if these vessels are completed, that the work upon each of them should be done upon plans and models differing somewhat from those originally contemplated. These conclusions are attributable to the fact that since these original plans were designed repeated experiments made in Europe at immense cost have demonstrated the necessity of changes in the construction of vessels, varying them from those of the old type, and thereby greatly increasing their efficiency both for attack and defense. It turns out to be fortunate that delay in the completion of these vessels has occurred, inasmuch as we now have the opportunity of availing ourselves of the benefits resulting from these experiments without the cost of making them on our own account.

In my opinion the modifications of the original plans of the Puritan, Amphitrite, and Terror, as proposed by the boards of which Rear-Admiral Selfridge and Rear-Admiral Preble were presidents, are wise and should be made. Those suggested in reference to the Monadnock are not such as affect the plan and model of the vessel, but only the armor, the method of raising the battery, and the character of the engines.

In a communication made by me to the House of Representatives January 9, 1879, it was estimated that the amounts necessary for the completion of these vessels were as follows:

In the Bureau of Construction and Repair:	
Puritan	$789,614
Terror	348,000
Amphitrite	348,000
Monadnock	410,000
Total	1,895,614
In the Bureau of Steam-Engineering:	
Puritan	420,000
Terror	230,000
Amphitrite	230,000
Monadnock	285,000
Total	1,165,000

If the modifications are made in the plan of the Puritan as recommended by the board it will require an appropriation of $839,614, or $50,000 for the modifications proposed. This includes the cost of the turrets. If those recommended upon the Amphitrite and Terror are

made, it will require an appropriation of $1,369,000 for these vessels. When the former estimate was made, in 1879, it was contemplated to put the old turrets, now on hand, upon these two latter vessels, but the board, in view of the experiments since made in ordnance, whereby it is demonstrated that these old turrets would be of far less value than such as should be placed upon vessels of this character, have recommended new ones of greater capacity of resistance. The cost of these is embraced in the foregoing estimate. And if those upon the Monadnock are made it will require an appropriation of $639,222.14, or $219,222.14 for the modifications proposed. Thus it will be seen that the aggregate appropriation for construction necessary to secure the completion of the four vessels, according to the proposed modifications, is $2,847,836.14.

For steam-engineering an appropriation of $1,251,000 will be required for the completion of all four of the vessels, including machinery of turrets. This is an increase above the estimate of 1879 of $75,000, and is made up as follows: For the turret machinery of Amphitrite and Terror, $15,000 each, or $30,000; for that of the Puritan $25,000, and for that of the Monadnock $20,000.

From the foregoing it will appear that the sum necessary to be appropriated for the completion of all four of these vessels is $3,098,836.14. Considering the necessities of the service and the character of these vessels if completed, this sum of money would, in my opinion, be well applied in their completion.

In reference to the contracts of March 3, 1877, providing for work upon these vessels, it will be perceived that the board which examined the Puritan have suggested that, in so far as the contract for that vessel involves construction, no more work should be done under it, and that a new contract should be made providing for the proposed modifications. This, as well as the other contracts of that date, was suspended by me, and the suspension yet remains, because neither at that time nor subsequently have appropriations been made to carry them out. All the contracts for steam-engineering were accompanied by plans and specifications, which were made parts of them, and the boards have recommended no change in them, nor do they make any suggestions in reference to the other contracts for construction. Therefore, their recommendation to set aside the one having reference to construction on the Puritan does not include that for steam-engineering on that vessel; yet, in view of the fact that both are with the same party, it is for Congress to decide whether either or both shall be affirmed or not.

In reference to the whole of the contracts, that is, for the completion of all the vessels, it is proper to say that they each contain a stipulation that they shall not take effect until an appropriation is made by Congress to carry them out; and that, notwithstanding their suspension, all the subsequent estimates of the aggregate cost of the vessels have been based upon the prices specified in them. If, therefore, these estimates should be now adopted and appropriations be made accordingly, it would, in the absence of anything to the contrary, be indicative of a purpose by Congress that they should be executed. If, however, Congress should otherwise direct, and should require that all the contracts should be set aside, then it is desirable that it should, at the same time, decide whether new contracts are to be entered into with the same or other parties.

In this connection it is proper for me to say that there is no evidence in the possession of the department showing or tending to show that any of the parties to these several contracts have exhibited bad faith towards the government in anything done under them. They have kept

the vessels in their yards and have thereby been subjected, as they allege, to expenses which the department has not felt itself at liberty to adjust. And it is undoubtedly both to their interest as well as that of the government that all matters in reference to them should be finally disposed of.

Very respectfully,

R. W. THOMPSON,
Secretary of the Navy.

Hon. SAMUEL J. RANDALL,
Speaker of the House of Representatives.

46TH CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { Ex. DOC. No. 83.

WHITE RIVER UTE COMMISSION INVESTIGATION.

LETTER

FROM THE

SECRETARY OF THE INTERIOR,

TRANSMITTING

Copy of evidence taken before White River Ute Commission.

MAY 14, 1880.—Referred to the Committee on Indian Affairs and ordered to be printed.

DEPARTMENT OF THE INTERIOR,
Washington, May 12, 1880.

SIR: I have the honor to acknowledge the receipt of a resolution of the House of Representatives dated March 27, 1880, as follows:

Resolved, That the Secretary of the Interior be directed to transmit to this House, at an early day, a copy of the testimony taken by Generals Hatch and Adams, special agents of that department, touching the late outbreak of the Ute Indians in the State of Colorado.

In accordance with said direction I transmit herewith a copy of the testimony called for; also a copy of the letter of General Hatch, president of the Ute Commission, transmitting the original papers to this department.

Very respectfully,

C. SCHURZ,
Secretary.

The SPEAKER
of the House of Representatives.

Proceedings of the Special Ute Commission convened by virtue of dispatches from the honorable Secretary of the Interior and the General of the Army, dated Washington, D. C., October 26 *and* 29, 1879.

OFFICE OF UTE COMMISSION,
Alamosa, Colo., January 7, 1880.

SIR: I have the honor to transmit herewith records of the proceedings of the Ute Commission convened by authority of telegrams from yourself and the General of the Army, dated October 26 and 29, 1879.

The Commission adjourned this day *sine die*.

Very respectfully, your obedient servant,

EDWARD HATCH,
Bvt. Major General, U. S. A., President.

To the Hon. SECRETARY OF THE INTERIOR,
Washington, D. C.

LOS PINOS AGENCY, COLO.,
November 12, 1879—2.30 p. m.

The Commission met pursuant to instructions.

Present, Bvt. Maj. Gen. Edward Hatch, U. S. A.; General Charles Adams, of Colorado; Chief Ouray, of the Ute Nation; First Lieut. Gustavus Valois, Ninth Cavalry, recorder and legal adviser.

General Adams then moved that the Commission sit with closed doors, pending which the Commission adjourned to meet at 9 o'clock a. m., the 13th instant.

LOS PINOS AGENCY, COLO.,
November 13, 1879—9 a. m.

The Commission met pursuant to adjournment.

Present, Bvt. Maj. Gen. Edward Hatch, U. S. A.; General Charles Adams, of Colorado; Chief Ouray, of the Ute Nation; First Lieut. Gustavus Valois, Ninth Cavalry, recorder and legal adviser.

Minutes of last meeting read and approved.

The motion of General Adams of the previous day was then taken up and carried; the room was cleared and closed.

On motion of General Charles Adams, General Hatch was elected president of the Commission.

On motion of General Adams, H. J. Caldwell was appointed official stenographer, John Townsend interpreter, and George D. Sherman clerk of said Commission.

On motion, the members of the Commission were then sworn by the recorder, and he in turn by the president, after which, the stenographer, interpreter, and clerk were also sworn by the recorder.

On motion of General Adams, the Commission then proceeded to take testimony.

Chief Douglas, of the "Nunpartca" band of White River Utes, being sworn by Chief Ouray according to the custom of the Ute Nation, testified as follows (Appendix A):

At 5 o'clock p. m., on motion of Chief Ouray, Commission adjourned to meet at 10 o'clock a. m., 14th instant.

APPENDIX A.

Testimony of Douglas, chief of the White River Utes, November 13, 1879.

LOS PINOS INDIAN AGENCY,
November 13, 1879—2 o'clock p. m.

DOUGLAS, sworn by Ouray according to custom of Utes.

In taking the oath Douglas said: "There is one spirit governing the heaven and the earth; he looks down upon me, and sees upon earth as well as in heaven. Therefore, I cannot speak anything but the truth."

By the RECORDER:

Question. State your name, to what tribe you belong, and your rank.

Chief DOUGLAS. My name is Douglas, and I am chief of the Na-partca Utes.

By General ADAMS:

Q. State in your own language the beginning of the trouble with Agent Meeker which ended in the killing of the agent and employés,

and the attack on the troops, near White River, on the 29th of September, 1879.—A. The first thing I understood of the trouble was this year; Agent Meeker divided up pieces of land for work. He gave each of us a piece of land for house site. Then I told Agent Meeker that he had better wait a bit; that he had given these sites to our people and I wished he would wait a bit before going further. The agent said after the sites were divided up that he wanted that land for plowing; the agent told me that he wanted that land for plowing. He wished the land already divided up for houses to be plowed. Then the agent told me that we should not have so many horses, because they were eating up all the grass, and that we had better kill a part of our horses and only save a few, so as to save the grass. In regard to killing the horses, I made no answer to the agent, but I told him he had better quit breaking up the ground where he had already given us for houses and take some other land for breaking up. Then I told the agent that it were better that he should wait a while until I could speak to the Indians about this breaking up the land where the houses were to be built.

The agent then asked me why I could not take the houses from there where they were building. I said because I could not; it was impossible. He then told me that anyhow the land was not ours, as it was bought with blankets and such things; that the land was bought by the government with blankets and such things. That was all that was said or done at that time, and then I went away from the agent and went home.

Then at another time about two days after this last occurrence, perhaps a little more, I went again to see the agent, and then it was that I found the soldiers were coming and that the order was already given.

By the RECORDER:

Q. From whom did you hear it?

(Ouray here instructed Douglas to testify to that only of which he knew of his own knowledge and not by hearsay.)

The WITNESS. Meeker told me that in about two days more, perhaps, the soldiers would be there. Then I told the agent that it would be well for him to order some of the officers to come to the agency, because the Indians were afraid of the soldiers. It was then that Meeker told me that I and four or five more of us could go with him to where the soldiers were. I told the agent that it was well, because I wished to go and see some of the officers to tell them of what work I had done at the agency. The agent then said: "Very well; in the morning we will go and see the officers." At this time, while we were talking, the soldiers and the Indians had already fought or were fighting, but we did not know it, neither the agent or I knew of it.

By the CHAIRMAN:

Q. What time in the morning was that?—A. It must have been between eleven and twelve o'clock, because as soon as we had done speaking the agent took his dinner. As soon as I had done talking with the agent I went home, and then again I came to where he was. After I had seen the agent, I went to the store-room where the provisions were—flour, &c. While I was yet in the store-room with the storekeeper and talking with him, I heard a gunshot. When I heard the gunshot I left the store-room and went out a little way. Then I went to my house directly from where I was. When I started and got to my house it made me cry to think into what a state my friends had fallen. When I came out from my house, I saw a wounded Indian coming out from a house. I went over to the house where I saw the wounded Indian coming from,

and inside the door I found there the carbine belonging to the wounded Indian, and I took it in my hands.

By the RECORDER:

Q. Do you know who the wounded Indian was?—A. I did not know who the Indian was or who the carbine belonged to, but I took it. It was already dusk. I then went from where I was to my house, because my wife had already thrown the house down, preparing to moving and going away.

Q. I suppose the carbine you had with you?—A. I did not bring the carbine to my house. That is all I have to say. I did not see the fight, nor was I in it.

Q. In the fight with the soldiers?—A. No; I mean the murder at the agency. That is all I know.

By General ADAMS:

Q. Do you remember or know any of the Indians who were at the agency with you about noon of the day when you were speaking with the agent?—A. I do not remember.

Q. Do you remember, when you, as you stated, stepped out of the storehouse where you heard the shooting, any of the parties who did the shooting?—A. I went right straight to my house. When I came out of the commissary store I went right straight to my house.

Q. While you were going to your house did you identify any of the parties who did the shooting?—A. I did not go in the direction in which they were fighting. I went straight to my house. I did not see them.

Q. Where was your house?—A. My house is about as far from the agency as it is from this building to the store—about three hundred yards.

Q. Were there any other houses near you?—A. No other houses near mine.

Q. Where was the house on which the employés were putting a roof when this trouble commenced?—A. South of the principal warehouse.

Q. Where was the house where the women were hid?—A. North of the warehouse, in what is called the milk-house.

General Adams here made a diagram and explained to Ouray and Douglas, who gave the relative positions of the agency buildings. (See map on page 5.)

By General ADAMS:

Q. Did you see the women escaping from this milk-house which you have described and running into the plowed field?—A. When I found the carbine at the time I went back to where the wounded Indian came from, I saw the women going into the field.

Q. Did you at that time see any of the Indians shooting at these women?—A. I did not hear any shots at that time. I did not hear any gunshots at that time. Don't know whether anybody fired or not.

Q. Did you then see any of the Indians capture these women?—A. I did not.

Q. Tell how they came to your house, and continue your story from the time when these women were brought to your house.—A. I had the woman at another place, but not at the agency.

By the RECORDER:

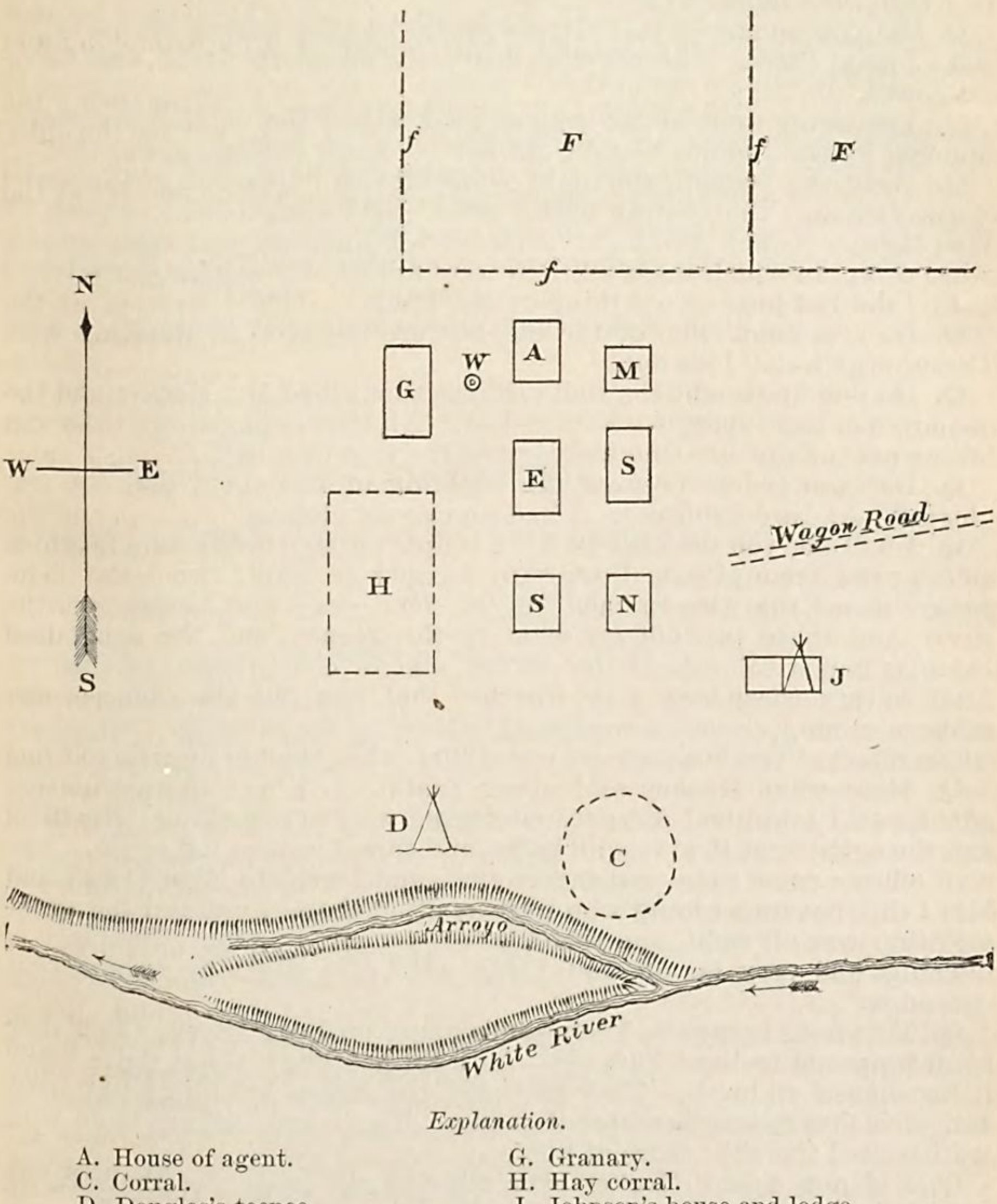
Q. Women or woman?—A. The old woman.

By Chief OURAY:

Q. How far was it from the agency to where you first got the old

lady?—A. It was not very far where I got Mrs. Meeker. She was running around loose and nobody to take care of her when I found her; so I took her to my house.

PLAN OF WHITE RIVER AGENCY, AS DESCRIBED BY CHIEF DOUGLAS.



Explanation.

A. House of agent.
C. Corral.
D. Douglas's teepee.
E. Quarters of employés.
F. Plowed fields.
S. Store-rooms.
G. Granary.
H. Hay corral.
J. Johnson's house and lodge.
M. Milk-house.
N. New building.
W. Well.
f f. Fences of inclosed fields.

By General ADAMS:

Q. Did any other Indian bring her to your house?—A. I found her alone and took her. The Indians had left her, and I found her and took her to my house, not far from the agency.

Q. You may describe what happened in regard to the packing up and taking of the goods from the warehouse.—A. I do not know.

Q. Did you leave the agency that night?—A. The same night I left.

Q. How far did you go that night?—A. I traveled all night.

Q. Did you stop on the little stream on the trail going toward Grand River?—A. That is were I stopped.

Q. About fifteen miles from the agency. Did you the next day then go where the soldiers were?—A. No.

Q. Did you remain in this camp with the captive women all the time?—A. I staid there. The other women came on another trail, and there we joined.

Q. You never went to the wagon road where the soldiers were surrounded by the Indians?—A. I did not. I know nothing about that.

Q. Were you present, the night before all this happened, at the camp of the Indians; that is, the night before the killing of the employés? Was there a council, the night before this killing, at your camp or any other camp, in which these matters were talked over among yourselves?—A. I did not hear of anything of the kind.

Q. Do you know who of the chiefs were engaged in the fight with Thornburgh?—A. I do not.

Q. Do you know who the Indians were that killed Mr. Meeker and the employés at the agency?—A. I do not. All that engaged my time was taking care of my son who was shot in the foot by a ball.

Q. Did you try to prevent the shooting of the agent and the employés?—A. No; I did not. I had no time or chance.

Q. I will ask you whether or not a couple of days before this affair an officer came from Middle Park with a paper to arrest two men? The papers stated that two Indians burned some grass and houses on Bear River, and these two officers went to the agency, and the agent and Douglas had a talk about the matter, and in consequence of their refusal to turn these men over, whether that was not the cause of the soldiers coming, or was so explained to them as the cause for the soldiers coming?—A. That is all I know about that, what Meeker himself told me.

Q. State what Meeker said about that?—A. I was there with the agent, and I told him I did not understand who were making those fires, and the agent said that was all right, and then the men left again. The civil officers came there just before that, and I went to Meeker and told him I did not understand who were making those fires, and the agent said that was all right, and the officers went away again. The place of burning was very far off, and I did not know anything about what caused it.

Q. This is in regard to Thompson's house on Bear River, which they were supposed to have burned?—A. I did not know about that; I was in my house at home. They first said the house belonging to Smart, and then that it was Thompson's house. But I had nothing to do with it; I passed the time there at home.

Q. Did not Agent Meeker ever tell you the reason of the soldiers coming in there at the agency?—A. He did not.

Q. Did he at any time say to you what the soldiers were coming to do at White River?—A. Agent Meeker said, "In a little while the soldiers will come and take us to another place."

By General HATCH:

Q. Did he tell you more than once?—A. Only once he told me.

LOS PINOS AGENCY, COLORADO,
November 14, 1879—10 o'clock a. m.

The Commission met pursuant to adjournment.

Present. Bvt. Maj. Gen. Edward Hatch, U. S. A.; General Charles Adams, of Colorado; Chief Ouray, of the Ute Nation; First Lieut. Gustavus Valois, Ninth Cavalry, recorder and legal adviser.

Minutes of last meeting read and approved.

Johnson, chief of the White River Utes, was then called before the Commission, and after being sworn by Chief Ouray, according to the laws of the Ute Nation, testified as follows. (Appendix B.)

So-wa-wick, chief of the White River Utes, was then called before the Commission, and, after being sworn by Chief Ouray according to the laws of the Ute Nation, testified as follows. (Appendix C.)

On motion of a member the room was cleared and closed. After consultation the testimony of the captive woman, Mrs. Price, was interpreted to Chief Ouray. (Appendix D.)

On motion, the Commission adjourned to meet at 10 o'clock a.m. 15th instant.

APPENDIX B.

Testimony of Johnson, chief of the White River Utes, November 14, 1879.

LOS PINOS INDIAN AGENCY,
November 14, 1879—10 o'clock a. m.

JOHNSON, sworn by Ouray according to form of the Utes.

By the RECORDER:

Question. State your name, what nation you belong to, and your rank?—Answer. My name is Canalla or Johnson; I am captain of the Nupartca Utes.

Q. State in your own way what you know about the trouble at the agency before and during the attack on Agent Meeker?—A. I do not know anything except what I knew from the agency.

Q. Heard from the agent?—A. That is exactly what I said. One time I was in my house and Agent Meeker came to my house and told me to come here. The agent told me that it was better that I move from there. I answered him that I could not move because the government had given us orders to build houses, and already I had my house built. How could I move? The agent then left for the agency and I returned into my house. After the agent had left for the agency, I came out of my house and saw them coming with a plow and afterward plowing my land, the site where my house stood or around it. When I saw them plowing, I went to the man who was plowing and asked him why he was plowing there. The man said the agent ordered him to. I then went to the agency where the agent was. The agent was standing outside the house. I told the agent that it was not right that he should order the men to plow my land. The agent told me I was always a troublesome man, and that it was likely I might come to the calaboose. I told him that I did not know why I should go to prison. I told the agent that it would be better for another agent to come, who was a good man, and was not talking such things. I then took the agent by the shoulder and told him that it was better that he should go. Without doing anything else to him—striking him or anything else—I just

took him by the shoulder. I was not mad at him. Then I went to my house. Two days after I had a talk with the agent. I moved my lodge, but not my house, to a place where I could get feed for my animals; and from there I moved to another place. That is all.

By General HATCH:

H. What kind of a house was that?—A. A log house.

By the RECORDER:

Q. Where were you when Agent Meeker and the employés were killed?—A. I was in my second camp.

Q. How far was that camp from the agency buildings?—A. Traveling with lodges, I could make it in about two days; traveling loosely—that is, without lodges—in about one day.

General HATCH. About thirty miles. They travel about fifteen miles a day with lodges.

By the RECORDER:

Q. What do you know regarding the fight with the soldiers?—A. I do not know about that.

Q. What direction from the agency was your camp when the fight with the soldiers occurred?—A. South; in the direction of midday; I do not know the name of the place.

Q. How many people had you with you in that camp?—A. I took my own lodge.

By General ADAMS:

Q. Were you in the fight with the soldiers?—A. No.

Q. Were any of your sons in the fight?—A. No.

Q. Were your sons in the fight with the agent and employés?—A. No.

Q. Was your brother in any of the fights?—A. No.

Q. Was not your brother wounded in one of the fights and died afterward?—A. My brother was wounded in the agency.

Q. By whom?—A. I do not know.

Q. Your brother must then have been there?—A. I believe that my brother was there.

Q. In the council which I held with the Indians at Douglas's camp, when I left Johnson's camp and went to White River—on the evening after receiving the white women and leaving for White River—Captain Jack explained the whole story of this trouble with the soldiers to me, and in his story he said that the chief who was riding around on a white horse, commanding the Indians, was Chief Johnson. Was that true or false?—A. It is not true.

Q. That was heard by all the chiefs sitting around there, and nobody denied it.—A. No; it is not true.

Q. Did you get any of the goods from the agency warehouse?—A. I did not.

Q. When and at what time of the day were the women prisoners brought to your house?—A. On the Grand River.

Q. Which one was brought first, the old lady or the young lady?—A. My squaw told me that I had better move the women to our house.

Q. Where did you go to get them, and where were they at that time?—A. The ladies were at that time all together, and I went to where they were and brought them to my lodge.

Q. What I want to know is the names of those who had those two

women at the time you got them, or before?—A. I do not know for certain where those women were or who had them.

Q. Then state the names of those you believe had them.—A. I do not know for certain who had them, because they were going from house to house, sometimes at one house and sometimes at another.

Q. It has been stated publicly and in the press that there were three Uncompahgre Utes among those who fought Agent Meeker and the employés, and it has further been stated that one of those Uncompahgre Utes (the government does not know his name) captured the wife of the blacksmith. I now want to know, and the government wants to know, who that man was that captured the blacksmith's wife at the agency, and from whom you received her?—A. There were no Uncompahgre Utes.

Q. You must certainly know who the man was who had the blacksmith's wife in his possession for several days?—A. No; I do not.

By General HATCH:

Q. Do you know the names of any of the Indians who were engaged in the fight at the agency?—A. No.

Q. Do you know the names of any of the Indians engaged in the fight with the soldiers?—A. No.

Q. Do you know whether or not there was any fight with the soldiers?—A. No.

Q. Do you know that the agency was burned up?—A. No.

APPENDIX C.

Testimony of So-wa-wick, Chief of the White River Utes, November 14, 1879.

2 O'CLOCK P. M.

SO-WA-WICK sworn by Ouray according to form of Utes.

By the RECORDER:

Question. State your name, rank, and nation.—Answer. My name is So-wa-wick, and am captain of the Nupartca Utes.

Q. At which agency did you make your home?—A. At the White River Agency.

Q. State in your own way if there was any trouble between the Indians and Agent Meeker at the White River Agency before the fight with the soldiers took place.—A. The whole question was about the land and what the agent said about our lands.

By General HATCH:

Q. What did he say about the land?—A. The agent told me that every thing we were getting from the agency, such as blankets, shoes, clothing, &c., were given by the government on account of the purchase of the land, as an equivalent for the purchase of the land.

By the RECORDER:

Q. What land was that?—A. The present White River Reservation, the entire reservation.

Q. Why did you go to meet Major Thornburgh?—A. When I left his house I went over to the agency store and there I heard that the soldiers were coming. I did not know anything of it before.

Q. Where was the store?—A. On Bear River.

By General ADAMS:

Q. Who kept the store?—A. Peck.

By the RECORDER:

Q. Did Peck tell you that the soldiers were coming, or who was it that told you?—A. The wife of Peck told me.

Q. What did you do then; did you go to meet the soldiers?—A. Two soldiers came to the store of Peck while I was there.

Q. Officers or soldiers?—A. I do not know whether they were officers or soldiers.

Q. Did you have any conversation with them?—A. The soldiers told me that a little higher up they had their camp and that I had better go and see it with them.

Q. Did you go to the camp?—A. I went there. I then asked an officer what they were doing there and what business they had. The officer answered me that there was an order from our agent, Meeker, to Washington, by which they were sent there; that there was an order to Washington which said that the agent had been killed and beaten about the head and body by the Indians. I then told the officer that it was all a lie, and that it was better that he go back, that everything was friendly and quiet. The officer answered me that he could not return, that he was going on orders and that he had to do as he was ordered.

Q. Was the officer with whom you talked the officer who was afterward killed?—A. It was not; of him I know nothing.

By General HATCH:

Q. Describe the officer—was he a large or small man?—A. He was a tall man and stout. He had side whiskers and mustache—black. That is all the officer said to me at that time.

By the RECORDER:

Q. What did you then do?—A. I then came back to my house.

By General ADAMS:

Q. Where was your house?—A. Near the old agency. Then, in the morning of the day I arrived, I started for the agency where the agent was. The agent then told me that the officer needed some of the captains there where he was. While the agent was telling me about the officer meeting some of the chiefs, the fight was going on with the troops. After the talk with Meeker, and having dinner with him, I went to my house.

By General HATCH:

Q. What time of the day was that?—A. After dinner. Then upon reaching my home was when I heard of the fight with the troops.

By General ADAMS:

Q. State what happened at the agency?—A. When I left the agency after eating dinner I did not see anything wrong about it; everything was going on all right.

By the RECORDER:

Q. Did you hear any firing that day at the agency?—A. I did not.

Q. Did you see the women belonging to the agency at any time after dinner or in the evening?—A. No.

Q. Where did you see the women the first time after that?—A. I did not see them after that.

By General HATCH:

Q. When did you next go to the agency?—A. I did not go any more.

Q. Did you ever go there again?—A. No; I have not returned.

By General ADAMS:

Q. Who was with you in the camp with the soldiers when you talked with them?—A. I went there alone.

Q. Was not Jack with you?—A. No.

Q. Was not Pi-ah with you?—A. No.

Q. Who was with you at Peck's trading store when the woman at the store told you that the soldiers were encamped a little above there?—A. I alone.

Q. How many days was it when you saw the soldiers before the fighting took place?—A. I did not see them fight.

Q. I did not ask that question. I want to know how many days before the fight you were in the camp of the soldiers?—A. After I left the soldiers' camp I went to my own camp.

Q. Did you not go from your camp to the agency in the evening of the day before the agent was killed?—A. No.

Q. Did you not sleep in the same room with one of the men at the agency that night?—A. No.

Q. Did you not eat supper at the agency the night before the agent was killed?—A. No.

Q. Did you eat dinner at the agency the same day that the agent was killed?—A. Yes.

Q. What happened after dinner?—A. Nothing had happened when I left.

Q. Did you see one of the employés of the agency start out with a dispatch for the soldiers?—A. I did not.

Q. Who else was at the agency with you at the time you ate dinner there?—A. I alone. I cannot say anything else but what I know. I did not see it.

By General HATCH:

Q. Do you know the names of any of the Indians who were engaged in the killing of Meeker and the employés?—A. I know none.

Q. Do you know that any Indians were killed in a fight there?—A. I do not know. I was not there.

Q. Have you heard of any Indians being killed there?—A. No.

Q. Have you heard of any soldiers being killed there?—A. No.

Q. Have you heard of any women being captured at the agency, and taken away by the Indians?—A. No.

Q. Were there any women at the agency, and did you see any there?—A. No.

Q. What became of Meeker and the employés at the agency?—A. I do not know.

Q. You don't know whether they were killed or are living still?—A I do not know.

Q. Did you ever hear that any of them were killed?—A. No.

By General ADAMS:

Q. Was I ever in your tent on the Grand River?—A. No.

On motion, the witness was requested to retire.

General ADAMS. The answer to the last question was not true. I was in his tent, and in his tent we held a council which lasted from eleven o'clock at night until six o'clock in the morning. So-wa-wick was present, and agreed with the others about what was done; and

to-day he comes here and says he does not know anything. For that reason I believe that he has not spoken the truth, and does not want to speak the truth. I believe also that none of them want to speak the truth, and it is, therefore, almost unnecessary to go any further. They have refused to mention a single name, while they well know the names of all of them; and I now represent the situation to Ouray, so that he may recommend to us some other course, whereby we can execute the orders of the government. The government wants us to find out who were engaged in the outbreak. We want to know the names, and if we cannot find them out we had better go home.

Chief OURAY. I cannot force them to say what they do not wish to. For that I brought them here—that they might speak for themselves.

General ADAMS. Have you no men among those who are here who will speak the truth?

Chief OURAY. Among these, no. Because these are the ones who have come through the whole business.

General ADAMS. Does not Pi-ah know something about this?

Chief OURAY. No.

General ADAMS. Was he not at the fight as a witness?

Chief OURAY. No.

General ADAMS. Does not Yanco know something of this?

Chief OURAY. No.

General ADAMS. He was the messenger who brought the news from there that they were fighting.

Chief OURAY. The man whom I sent there and who stopped it all just went to the Rio Blanco and came back.

General ADAMS. Yanco told me that he saw part of the fight and brought the news to you.

Chief OURAY. No; he did not go.

General ADAMS. Was it not one of your men whom this man So-wa-wick told he had better stay there and see what was going on at the agency, and then told him to go back?

Chief OURAY. That was when he was out in the camp.

General ADAMS. He wanted him to wait until the firing was over, and when the houses were burned told him he might go.

Chief OURAY. No.

General ADAMS. I have come here honestly and conscientiously to find out about this matter. It seems impossible to do so.

General HATCH. Ouray, do you think nearly all the White River Indians were in these difficulties?

Chief OURAY. The camp was this side, but I do not think they were all there.

General HATCH. Do you know who were in it.

Chief OURAY. I do not; I cannot say.

The RECORDER. No Indian would be safe from his own people, whether implicated or not, who testified against those who were guilty.

Chief OURAY. Show me any act of law by which a man is compelled to criminate himself.

General ADAMS. From my understanding, this man So-wa-wick had nothing to do with it, and unless he wanted to tell the truth he ought not to have taken the oath.

Chief OURAY. He took the oath because he was ordered to.

General ADAMS. He said no to everything when he ought to have said yes, according to the truth. I wish now to offer to the Commission the testimony which I took at Greeley, Colo., of the ladies who were

captives. It was given under oath, and in our law the testimony of a woman is as good as that of a man when given under oath.

General HATCH. How is it under the Ute law?

Chief OURAY. The oath of a woman is almost worthless among the Indians. However, I am willing to have the testimony of the women interpreted to me, and will reserve all my objections to same until after I shall have heard it.

APPENDIX D.

Statement of Mrs. S. F. Price, taken at Greeley, Colo, November 4, 1879.

GREELEY, COLO., *November* 4, 1879.

Mrs. S. F. PRICE sworn.

By General ADAMS:

Question. You were the wife of Mr. Price, who was a regular employé at the White River Agency?—Answer. Yes, sir.

Q. You will please relate the incidents of the 29th of September last, and give the names of the Indians who participated so far as you can remember. What was the date of the first trouble at the agency?—A. Do you mean the first firing, or something I thought would result in trouble?

Q. The occurrences preceding and connected with the massacre.—A. A runner came from Jack's men and the soldiers about half-past eleven o'clock.

Q. Before dinner?—A. Yes, sir; just before dinner; he went to Douglas, and Douglas came up to the agency.

Q. You saw him?—A. Yes, sir; he was talking with Mr. Meeker; he wanted five soldiers to come in, as Mr. Meeker had written a dispatch for them to come; the soldiers would not come, as they did not think it was safe for the five head men—Thornburg and the others, I suppose; Douglas wanted Mr. Meeker to go back to the soldiers instead of dispatching Mr. Escrige.

Q. That was the first runner—shortly before dinner?—A. Yes, sir.

Q. What did Meeker say?—A. He told him he was not able to go.

Q. Was anything said about fighting?—A. Nothing; I did not hear anything; Mr. Meeker said that Jack had made his brags on Sunday, I think it was, that as the soldiers came through Red Cañon he would be ready to fight.

Q. Were they made to Mr. Meeker?—A. Yes, sir.

Q. Did Douglas go away again?—A. No.

Q. He remained at the agency?—A. He staid around until after dinner.

Q. Did he take dinner at the agency?—A. After we ate dinner he came in and asked for some victuals from the table, and we gave him some bread and butter, and such like.

Q. Were there any Indians with Douglas?—A. Yes, sir; Pow-vitz, and I do not remember the names of the others. I may know some of them. I would remember the faces, but not their names. They were talking with Meeker, and Douglas wanted the five soldiers to come in, but they did not think it was safe to come.

Q. When did the next news come in?—A. That is the next I know of. I think they had it all fixed up to massacre all of them when Douglas was talking with the agent about the five soldiers coming in.

Q. When did Escrige leave the camp?—A. Half past twelve, maybe one o'clock.

Q. Mr. Meeker sent Mr. Escrige?—A. Yes, sir; with a dispatch.

Q. That everything was quiet there?—A. Yes, sir.

Q. Did Meeker anticipate any killing taking place?—A. I do not know; I never had any talk with him about that. He had told the employés there enough was known that there would be trouble if they had trouble with the soldiers. He had them stand guard three nights for fear something would occur.

Q. After dinner what happened?—A. When Douglas came in he was laughing and talking with Josie and me and Mr. Meeker, and shook hands with us quietly. He seemed to be in good spirits. He knew what was going to happen. On Saturday he had taken his little boy from school.

Q. He did not say there would be any trouble, did he?—A. He did not say. He said the reason he took his boy Frederick away was that he was afraid the soldiers were coming in. That evening he said he would bring him back.

Q. Did any more Indians come in very soon after dinner?—A. After dinner, when the men got out to work, Mr. Price, Thompson, and Frank Dresser were working on the buildings. After talking with us, Douglas went out and laughed and talked with the men. Douglas was laughing and talking in as good humor as ever he was, apparently, but then he seemed to be very well interested in something—business; somehow he seemed to have something on his mind. He left the boys and went down toward his camp a ways; he did not go clear down.

Q. Was he on horseback?—A. No; on foot. I saw twenty, I should judge, or twenty-five Indians coming up with their guns.

Q. With him?—A. They came up and met him, and then all came together.

Q. Douglas on foot?—A. All of them on foot, with their guns. I went out of doors and saw this, as I was after May.

Q. Did you recognize them?—A. Yes, sir; most of them. I do not know their names. Pow-vitz, Douglas, and Ebenezer, who went with Escrige, and Antelope also. I do not think they were gone over fifteen minutes; they both came back in that time. They were in that fight. Ebenezer said something to me as I went in the house with my girl. He said it in Ute, and I did not understand. I suppose he was telling me he was going to massacre. He went to hitch his horse up and then they fired.

Q. Did you see them fire?—A. Yes, sir; I did.

Q. Did you see Ebenezer fire?—A. No, sir, not him; but an Indian, who was in the house just before dinner, was about ten feet from me when he fired at Price, Frank Dresser, and Thompson. He crippled Frank in the leg.

Q. Those men were on the building?—A. Thompson was on the building, and Price and Frank Dresser were in the wagon pitching dirt to him.

Q. Was this man the first to fire?—A. Yes, sir.

Q. Could you in any way so describe him that I could find him out?—A. I do not know how I could describe an Indian; they have no whiskers, and nothing but mean looks.

Q. He was with Douglas before?—A. Yes, sir.

Q. What was Douglas doing?—A. I suppose helping fire.

Q. Did you see any more?—A. No, sir; I ran in the house, picked up Dick, went to my bedroom, and Frank Dresser came in. I gave him

a gun and he ran out doors. Just as we got to my bed-room door that went into the dining-room, both windows were smashed in. Dresser shot through the window and killed Johnson's brother. We ran to Josie's bedroom and hid under the beds, and Josie said "It is not safe here; let's go to the milk-house"; and so we did. We remained in there until most sundown.

Q. Did Mrs. Meeker go with you?—A. Yes, sir; I was outside, washing; Josie and Mrs. Meeker were washing the dishes.

Q. Frank Dresser came in there?—A. Yes, sir. He said they tried to head him off from getting in the house, but did not succeed.

Q. By that time all the others had been killed?—A. I do not know; I think not. The shooting kept up for quite a while. We heard reports almost every minute for half an hour, and then everything would be quiet for may be fifteen minutes, then we heard six or eight guns go off.

Q. In the mean time, Frank Dresser was with you in the milk-house?—A. Yes, sir.

Q. Did you look out?—A. We did not want to look out. He looked out once on the north side, but he did not see anything. He put up the bread jar, and some cans and things, to keep them from seeing in there.

Q. Were there but about twenty Indians coming toward the agency?—A. Yes, sir.

Q. One of them was Johnson's brother?—A. Yes, sir.

Q. Was Johnson another?—A. No, sir; his two boys were there, Tim and Tata or Charley Johnson.

Q. Both had guns?—A. Yes, sir; and were very mad.

Q. Do you know Coloran, and was he there?—A. He was, in the morning. Sunday night Douglas had a war dance, and all of the Indians, or a good many of them, were at it; so Post said. I did not see them, but I heard the drum. Just before daylight, Mr. Price stood guard and saw everything going on. Just before daybreak, Douglas got up and made a speech. That morning I saw Coloran ride up on a fast run to Douglas's camp, and I did not see anything more of him. I did not see him on the ground.

Q. Do you know So-wa-wick, and was he there?—A. Yes, sir; he came on Sunday and slept in the same house and room with Mr. Post.

Q. On the same night of the war dance?—A. Yes, sir; and ate his meals with the boys—breakfast and supper on Sunday, and breakfast and dinner on Monday.

Q. With Douglas at the same time?—A. Yes, sir.

Q. Did he have anything to say?—A. Nothing to say, but was very afraid of the soldiers.

Q. Did he walk back with Douglas?—A. I did not see So-wa-wick after that. I saw him on the ground before they began to shoot.

Q. Was he doing any shooting?—A. No; I do not think he had any gun. I would not be positive. I would not swear to this.

Q. Did you see Pi-ah?—A. I do not know him.

Q. Did you see any Uncompahgre Utes?—A. Three of them said they were. I saw three of them. These three Utes told the employés that they were Uncompahgre Utes.

Q. Was Cojoe one of them?—A. No; I know him. I think I saw Cojoe, but he was not either of them. The one that took me first was little--a very small man.

Q. Was he a young man?—A. I should judge about twenty-seven or eight, and very mean looking.

Q. He said he was an Uncompahgre Ute?—A. Yes, sir; he said so. I asked him to tell me his name, but he would not.

Q. Was Cojoe there?—A. No, sir.

Q. These three Uncompahgre Utes belonged to the firing party?—A. Yes, sir.

Q. Do you know Sac-wi-otch?—A. Not by that name.

Q. He is the son of old Nevava.—A. I do not know either of them by name; I might know their faces.

Q. He has a white lock of hair in front; generally has very little to say, and is always with Douglas. He looks rather old. Do you remember him?—A. I remember one, but I did not know that he went with Douglas; I know he was Johnson's friend.

Q. This could not be the same man, then. You know Pa-ant?—A. I do not remember that name.

Q. The man who had his tent near Johnson's when I came to camp—was he there?—A. Tabashatz was there, and lived at Douglas's.

Q. He was not one of the twenty?—A. Yes, sir; I think he was. I saw him on the ground, I am most positive. Suspauzacatz was there.

Q. Was Pavosatz?—A. I do not remember his name.

Q. Were they mostly young or old men?—A. I think mostly middle-aged men. There were considerable young men among them. Taking them all through I think they were middle aged.

Q. Did Douglas have a rifle?—A. He did.

Q. Had he it in his hand?—A. Yes, sir; in his right hand, and came up to me with it.

Q. You do not remember any others by name?—A. I do not at present. I mentioned Powvitz, Ebenezer, Antelope, Tim Johnson, Tata Johnson, Johnson's brother whom Frank killed, and the three who called themselves Uncompahgre Utes.

Q. Where was the man we call Henry Jim, who acts as interpreter?—A. He said with the soldiers, but I did not see him. He was not around the agency—not then.

Q. Continue your narrative. You were in the milk-house until nearly sundown?—A. Yes, sir.

Q. Were the other houses on fire?—A. No; they set the house we remained in on fire first. The house set east and west, with wings built on the south and north sides. The south wing was Josie's bed-room, and on the north was my bed-room. In the east part of the house was a room used as dining-room and kitchen, and on the north of that the milk-house. They set Josie's room on fire first, and we staid there until we began strangling in the milk-house, and had to go out.

Q. Which way did you go?—A. We first ran into Meeker's house. I do not think it is ten feet from the corner of my bed-room. We opened both doors and thought of secreting ourselves under the bed of Mr. Meeker. I said, "No, that will not do." We looked out to the north. The blinds were open. They were busy taking out goods; they were taking the blankets, shirts, and everything else they could. I said, "Let's try and escape to the north, in the sage-brush; it will not do to stay here; they will be in here in a minute." Frank said, "Let's go while they are so busy," and we went. I ran outside of the fence; Josie, Mrs. Meeker, and Frank opened the gate and went into the field, and I crossed over through the wire-fence. They then saw us; we had not got more than ten or fifteen steps from the corner of the fence north before they saw us and fired. They came running, on foot and ponies, and fired at all of us, and hit Mrs. Meeker. The bullets whizzed by my head and hit beside me. They shot at Frank Dresser, and as he would

take a step the dust would fly. The last I saw of him he was about a quarter of a mile from the agency, in the field, still running.

Q. By that time the Indians had captured you?—A. Yes, sir; they took us, and said we had to go with them. As I was going, I said I had read so much about their treatment of captives, that I was afraid they would want to torture me. They said, "No kill white squaw; heap like them." I said, "You are going to burn me," and they said, "No burn white squaw." They then took me on through the brush.

Q. These were the three Uncompahgre Utes?—A. Yes, sir. The one whom Ouray found out about [referring to information furnished by Ouray to Inspector Pollock, identifying this Indian] kept by my side all the time, and the other two changed off about half-way between where they captured me first and the river, and the other Uncompahgre Ute took hold of me, one on each side, and marched me down to the river.

Q. Did both speak broken English?—A. Yes, sir; the one who took hold of me first.

Q. Either speak Spanish?—A. English. I do not understand Spanish at all.

Q. They took you down to the river?—A. Yes, sir; not right on the bank, but about ten steps from the river, and set me on a pile of blankets.

Q. What had become of Mrs. and Miss Meeker?—A. Miss Meeker was with Persune, and Mrs. Meeker I do not know who got her—some chief or other. I guess she does not know. He took her down there and then Douglas took charge of her. Douglas and Pah-sone like to had a fight over Josie. Douglas wanted her to go with him, and Pah-sone wanted her to go with him, and they pretty nearly had a fight.

Q. How long did this Uncompahgre Ute keep you?—A. He kept me one day and a night, that night and one day, and then he went to fight the soldiers. I staid one night at Henry Jim's camp, and then immediately after that Johnson came after me to go with him. I remained with Johnson ever since, until I was released.

Q. You and Mrs. Meeker were both with Johnson?—A. Mrs. Meeker was only with Johnson about five days before we were released. Douglas's boy Rankin, before anything happened, shot his foot accidentally, and he was unable to travel very far in a day. So Douglas told Mrs. Meeker to go with Johnson; that we were going home, he said. That is what she told me. I did not hear this.

Q. Did these Uncompahgre Utes treat you well?—A. Not very.

Q. Did they beat you or anything of that kind?—A. No.

Q. Did Johnson treat you well?—A. Tolerably well; better than I expected; but it would not have been had it not been for his squaws.

Q. Is Jane one of his squaws?—A. No, she is Pow-vitz's squaw.

Q. Did any of the Utes treat you badly or strike you?—A. No; none of them struck me.

Q. What did they do?—A. I do not like to say. You know, of course, and can judge.

Q. This is an official investigation on the part of the government, and I cannot guess at these things. It is your place to state, in order that we may know the extent of the crime and who the guilty parties are.—A. It will not be made public in the papers, will it?

Q. Certainly not through this Commission.—A. Well, this Uncompahgre Ute and Johnson outraged me.

Q. Johnson, the old man himself?—A. Yes, sir; the old man himself.

Q. Did any others besides Johnson outrage your person?—A. And the Uncompahgre Ute; these two were all.

Q. Was it by force?—A. Yes, sir; by force.

Q. None of the others attempted it?—A. No, sir; none of the others attempted it.

Q. What did the Uncompahgre Ute give you?—A. He gave me Mr. Post's watch the night we rode out from the agency.

Q. Was that before or after he had outraged you?—A. That was before—as we were riding out.

Q. Did any of them treat you kindly?—A. Yes, sir; Mrs. Johnson treated me very kindly—that is Susan. She wept over my troubles; said she was sorry for what had happened at the agency; and she did not want them to kill at the agency, but they would do it.

Q. Did she know what Johnson had done to you?—A. No, sir; she did not. If she had, she would probably have killed me.

Q. Did he threaten you with death?—A. Yes, sir.

Q. Unless you yielded?—A. Yes, sir.

Q. How many days was that before I came?—A. The very same day; the morning you came he came down there in the brush.

Q. The very same day?—A. Yes, sir.

Q. Was Mrs. Meeker there?—A. No; she was up in the tent, sleeping. She came down a few minutes after.

Q. Did you tell her?—A. Yes, sir; I did.

Q. Were the outraging and threatening to kill at the same time?—A. Yes, sir.

Q. How did Johnson's boy treat you?—A. Very kindly. Tim Johnson hardly ever spoke to me, and when he did he cut me off pretty short. He would make his brags about killing Post. He said he killed him. He was wearing Post's pants then. They were shot through the left leg. He said he killed Post.

Q. Did you learn from conversations that Henry Jim, or any of the others, killed any of the employés?—A. No; they would talk about lots of them. Those that did the shooting at the agency, I do not suppose they knew who killed whom. Six or eight guns would go off at once, fired at one man at once, and I do not suppose they knew certainly who did kill them. They would talk about it, and count and laugh. They thought Frank Dresser had escaped. They all said he had until the night before we started off.

Q. What did they say then?—A. They said as Frank approached the soldiers—that was Johnson—they shot him, supposing he was a Ute—shot him in the forehead.

Q. Did you tell anybody else besides Mrs. Meeker about this outraging?—A. Yes; I told Josie Meeker.

Q. Did you tell Ralph Meeker?—A. No; I did not tell Ralph Meeker. I told Mr. Pollock.

Q. Did you hear anything from Henry Jim or others in reference to the fight with the soldiers?—A. No; only he said that the Indians were going to kill them all, and tried to make me believe they had killed them all, and then I came to find out that they had been killing ponies instead of soldiers. He seemed quite rejoiced after I was taken captive, and I told him that he would not feel so nice by and by; and I told him he need not make fun of me because I was a Ute captive now, that the Utes would suffer for it, and he got in a better humor and has treated me better. He tried to make me believe I would have to live with the Utes and that I never would be set free.

Q. He did not tell you who the leaders were in the attack on the soldiers?—A. No.

Q. Did he say he was there himself?—A. Yes, sir; he said he was

up to the soldiers. He told me that very night that he tried to keep Douglas's band from killing the employés at the agency at all. He said he knew they would kill Meeker, but he did not want them to kill the rest; they were his friends, and he liked them. But he said they would laugh at him and said he was same like little boy, and he hushed up.

Q. He knew it was going to be done?—A. Yes, sir; of course he knew it was going to be done.

Q. Did he tell you who the leaders were who laughed and sneered at him?—A. No; he did not give any names. He said "they." It was in Douglas's camp.

Q. Do you know of any particular ones whose names you can give to me?—A. No; I have named all I can remember.

Q. Is there anything further that you wish to state?—A. No; only I want to have those Utes taken and killed, and I want to have the privilege of killing Johnson and that Uncompahgree Ute myself.

Q. Did they tell you the evening before my arrival that I was coming?—A. Yes, sir; Johnson tried to make me believe that they would let Mrs. Meeker go, but would not let Josie and me go and the children.

Q. That was the morning of my arrival?—A. Yes, sir; that was the same morning.

Q. Josie did not know about this outraging when I saw her, because she spoke well of Johnson?—A. She knew what he had done, but she was like myself, and did not want to tell anybody, she said.

LOS PINOS AGENCY, COLORADO,
November 15, 1879—10 a. m.

Commission met pursuant to adjournment.

Present, Bvt. Maj. Gen. Edward Hatch, U. S. A.; General Charles Adams, of Colorado; Chief Ouray, of the Ute Nation; First Lieut. Gustavus Valois, Ninth Cavalry, recorder and legal adviser.

Minutes of last meeting read and approved.

Upon motion of General Adams the following dispatch from Secretary Schurz was submitted to the Commission for action. (Dispatch below.)

The Commission after due deliberation decided that Agent Stanley, of the Los Piños Agency, be ordered to issue rations only to such of the White River Utes as are in attendance before the Commission under orders from Chief Ouray, and to no others.

Owing to the indisposition of Chief Ouray, the Commission adjourned to meet at ten o'clock on Monday, the 17th instant.

THE WESTERN UNION TELEGRAPH COMPANY.

[Usual printed head.]

(Dated, Washington, D. C., 10, 1879. Received at 1,30 p. m. at Lake City.)

To GENERAL CHARLES ADAMS,
Special Agent, Los Pinos Agency
(Via Del Norte, Colo.):

Agent Stanley inquires whether White River Utes while Commission is sitting are to be fed. My opinion that they are entitled to nothing. They took seventeen hundred head of cattle from White River, and destroyed other supplies; the cattle may

keep them alive for some time. If want makes them feel what they have done, so much the better. I leave it, however, to the Commission to decide whether the granting or withholding of supplies will be best calculated to make them surrender the guilty and accede to other conditions. Perhaps the alternative of supplies if they yield or starvation if they don't may have a strong effect. Communicate the judgment of the Commission on this point to Agent Stanley as answer to his dispatch. Keep in mind that according to treaty all those members of Ute tribe who commit hostilities against the government lose their treaty rights. Your success is earnestly hoped for.

C. SCHURZ, *Secretary.*

LOS PINOS AGENCY, COLO.,
November 17, 1879—12 m.

The Commission met pursuant to adjournment.

Present, Bvt. Maj. Gen. Edward Hatch, U. S. A.; General Charles Adams, of Colorado; Chief Ouray, of the Ute Nation; First Lieut. Gustavus Valois, Ninth Cavalry, recorder and legal adviser.

Minutes of last meeting read and approved.

Chief Ouray then made the following statement:

I cannot do more than I have at present; the Indians will not testify to any more; if you give me time, say two or three months, I can find out the guilty ones and punish them.

By the PRESIDENT:

Question. If we give you this time will you accompany us in the mean time to Rawlins to hear the evidence of the officers and soldiers?—Answer. No; I will go to Washington, but nowhere else.

Q. Do you mean you prefer to go to Washington to settle these difficulties?—A. Yes; I want to take other chiefs and go to Washington to talk over this matter; I know the Indians will not say anything here, but believe they will speak the truth at Washington.

Q. How many chiefs do you want to go to Washington?—A. I think eight of the principal chiefs will be enough.

The following dispatch to the Secretary of the Interior was then read and translated to Chief Ouray and approved by him:

ROOM OF COMMISSION, LOS PINOS AGENCY,
November 17, 1879.

SECRETARY OF THE INTERIOR,
Washington, D. C.:

Chief Ouray this morning asks for time, and believes it is the interest of the government to take to Washington such chiefs as we may designate, not to exceed ten, including some of the leading White River chiefs. In the mean time, while waiting for your answer, we will continue to take such testimony as we can obtain here and elsewhere.

HATCH, *President.*

The testimony of Mrs. Meeker was then read and translated to Chief Ouray. (Appendix E.)

At 4 p. m. the Commission adjourned to meet again at 10 o'clock a. m., the 18th instant.

APPENDIX E.

Statement of Mrs. A. D. Meeker, taken at Greeley, Colo., November 4, 1879.

Mrs. A. D. MEEKER sworn.

By General ADAMS:

Question. We wish to ascertain the names of the Indians engaged in, and all the facts pertaining to, the attack on the soldiers, and the murder of the agent and employés at the agency, and other whites in that vicinity, by the Utes, and also all facts in reference to your treatment during captivity.—Answer. It seems to me that Pow-vitz and Antelope were the ones who killed the agent. Johnson said, while we were going over to where you found us, "We are going to have a camp near Jane." Then he said, "No; I no put my camp beside Jane; I do not like her. They heap shoot the agency. I no shoot. I no put my tent there." His tent was along that way (indicating).

Q. Where your daughter's camp was?—A. That was Pah-sone's camp. Then came Johnson's, and farthest on was Pow-vitz. Before that, by the way, Pah-sone and Johnson had put their tents close together, so that Josie and Mrs. Price were near neighbors; but now there was quite a distance. One thing that made me think they were the ones, Pow-vitz came in and asked me three times before this happened if I was not afraid. He said, "You no scared?" I said, "No." He said, "No afraid?" I said, "No." I said, "No one hurt me; Great Spirit protect us. If Pow-vitz like Great Spirit nobody hurt him." He said, "Good woman." Antelope and Ebenezer killed Escrige, the man we sent out, I suppose, because Antelope and Ebenezer went out with him, and pretty soon Ebenezer came back; I did not see Antelope. At any rate he went out with them and was killed. I said Antelope might possibly have been the one who killed my husband; either he or Pow-vitz; but I cannot say so. Of course I did not see it, and no one told me for certain. I think Douglas had planned all this out beforehand, and that it was all calculated upon, and I think they all did as he said about things.

Q. He was at the agency in the morning?—A. When the firing was done?

Q. Just before the firing.—A. Yes, sir; he was there at noon. In the morning Meeker had a talk with him. I think Meeker said Douglas talked about plowing. Says he, "I don't want to talk about plowing." He said, "No plow, no fight." Douglas said he did not want soldiers to come. Meeker said, "Let them come if they want to; they will not harm a hair of your head; no fight. When the soldiers come we will have a good long talk over this, and they will sit down and we will have a good long talk over all this matter and set it right." And I thought he went off satisfied. Then at dinner time, just after finishing up, he came in and took some victuals from the table, and several other Indians came around, and we gave them a piece of bread or something of that kind, and they were talking and laughing, and Josephine said to Douglas, "When are you going to bring Freddy back?" He had been there until two or three days before. He said, "This afternoon," and left. She said, "You had better." He said, "I will," and then both of them laughed. It was not ten minutes before he was shooting.

Q. Who was with him at that time around the table?—A. I do not know as I know the names. I did not mind anything about them of course, as they are in and around there every day to meals. We always expect to have a kitchen full of Indians, more or less, squaws and Indians both, and Indian children. I never thought anything about it.

Q. While you were engaged in the house you heard the firing?—A. Yes, sir. I was going right out after the Indians, and Josie said, "Can you wipe some dishes?" I said "Yes." I guess I had not wiped more than two plates before firing commenced.

Q. Where was your husband?—A. I do not know. Just before that I saw him pass the kitchen door. Josephine said when he passed the door he asked her where the key was to lock up the place where the guns were—some government guns, I think, in there. I think he must have locked it up. I saw him pass the door, and that was the last I saw of him.

I have a reason for supposing this was planned out. They said they had a war-dance the night before, and this Monday morning Douglas had a talk. He talked so loud that we could hear him at the agency. He had a talk with his men, made a speech to them, and I think it was agreed upon that if any of the Utes were killed, should they get to fighting at the Red Cañon, they would fire on the agency; and they intended to kill all the soldiers. Douglas said they had the soldiers in a deep hole and they were going to kill all of them.

Q. When did they tell you this?—A. In the camp afterward. Mrs. Price and I were looking out at the window and could see a good way toward the cañon. We saw an Indian coming on the dead run. Mrs. Price said, "Just see that Indian run; it must be he has news." He never broke his ride, and in that same way rode straight into Douglas's camp. This was about eleven o'clock. We had our dinner and then the firing commenced. The soldiers were attacking the Indians, and they were having a fight up there. He must have brought the news. I think it was planned that they were to kill at the agency the minute it was done. Douglas said in the camp, "No soldiers, no fight; no agent killed." They ought not to have raised on the agency or upon the soldiers either one, because Mr. Meeker told them so much, that the soldiers were not going to hurt any of them. The soldiers were coming to protect us and keep them at the agency, I suppose.

Meeker told Jack he thought he was going hunting the next week. He said, "You are going off the reservation." He said, "Why, yes, I am going hunting." They would not stay on the reservation. He would tell them that they must not go into Middle and South Parks, because they scared the whites. He told Douglas not to let his men go off. And when the people of Middle Park sent to have the Indians taken from there, Meeker told Douglas how it was, and he went with white men in a wagon and called them home. He did very well in that respect. He ought not to have attacked the agency; he was always treated so well. If he was sick I always doctored him.

Q. How far from the agency had he his camp?—A. Not a great ways.

Q. Was he in the neighborhood of Johnson's camp?—A. This side of the little gulch between the agency and the river, just this side of that; right straight down from the corral, this side of the willows—in plain sight—Jane had her tent, and Meeker told her, after her objection to the plowing, to pick out any place she wished to and he would build her a house. She picked out that place and set her tent. If nothing had happened he would have built her a house.

Q. Who was camped near there opposite Douglas?—A. He had his sons-in-law, Serio, and one by the name of Johnnie. Henry, I think, was going to or had built a corral there. Henry was pretty friendly to us.

Q. Do you mean Henry Jim?—A. Yes, sir. Josephine had promised him something if he would help us out as best he could. He let me

have his horse for three rides. His horse was a good one. I had no saddle, and it was such a good horse to go up and down the mountains. I do not know what I would have done had it not been for that.

Q. You say Josephine promised him something?—A. Yes; she said she would send something out to him as soon as she could if he would help us out. Henry had bought a wagon from Mr. Price, and he said he paid fifty dollars for it, and was to pay ten dollars more; but he had paid fifty dollars on it, and he hated to lose it. Josie said if they could get it for him they would.

Q. Where was he the morning of the shooting?—A. I do not know. He said he did not shoot any. He had a brother in it, though.

Q. Who was he?—A. Henry said he did not want it done, but said he was a little boy, meaning that he had no influence.

Q. Where was he?—A. I do not know. A man by the name of John Ungerratz was friendly to us. When they commenced against the plowing, he came in and said Utes mad, and that he was a good friend. He said, "Meeker, I am a good friend" many times. When Johnson pushed him out of the house, he made quite a speech to Johnson. Josephine did not know what he said, but knew from the speech and actions that it affected them very much. Johnson hung his head and went along. Just before the fight he cleared out, and we never heard of him again.

Q. He is quite a tall Indian and little old?—A. Yes, sir; middle aged, I guess.

Q. I think he was one of the worst ones in the fight.—A. Perhaps I did not get the name right. I think his wife was friendly. I went to their tent once or twice. Her eyes were red and swollen; the tears were running out, and she was very bad. Josephine and I gave her victuals and medicine, and she was very thankful when she got well.

Q. Did not you know any of the Indians by name?—A. I knew Jack, Douglas, and Washington.

Q. Was Washington there?—A. Yes, sir; and three or four from Uncompahgre.

Q. Was Cojoe there?—A. Yes, sir; he was there I suppose. Josephine said he was there, and I suppose she knew.

Q. How did you know the Uncompahgre Utes were there—did you see them?—A. There were so many around there, and had been for a day or two.

Q. On the 24th, five days before the massacre, Mr. Meeker wrote a letter to Governor Pitkin, in which he stated that the Indians were all going on a hunt to the north, and that there were more or less from Los Pinos who were going with them. What do you suppose he meant by that—that a great number, or only a few were there?—A. I guess he meant there were only a few. He said to me a few days before, "There are a few strange Indians around here. I do not like the looks of things with these Indians about." Whether from Los Pinos or not, I do not know.

Q. They might have been from the Uintahs?—A. I do not know; I did not ask him. He said some strange Indians were there, and he did not like the looks of things.

Q. You think they were all engaged in the shooting?—A. Yes, sir; all the Indians living right about there.

Q. Who captured you?—A. I do not know his name. I asked Jane his name, but she would not tell me. She said he was big chief, and was very mad, and that the soldiers were killing the Indians up there. He said he saw the soldiers killing the Indians and he was heap mad,

and he was going down to Douglas. He spoke very good English. He said Douglas no was mad as he. We were running away and got into the sage-brush, and when the ball struck me I dropped on the ground so that I would not be so much of a mark, and as I lay there I saw them capture Josie and Mrs. Price. I thought they would not see me, but as soon as they had captured the others they came to me. The one who came after me thought I was wounded as I lay on the ground. He said, "I am heap sorry; I am heap much sorry." He asked me if I would get up; I said, "Yes." He said, "Will you go with me?" and I said, "Yes, sir"; and he gave me his arm just as nice as anybody, and he took me to Douglas. We had been running from the agency. When we got to the agency, in passing, he said, "Any money?" I said, "Very little." He said, "Go in and get money." I said, "You go in." He said, "No." I said, "You go in and get it." The house was on fire and he did not like to go, and I went in and got it and he took it. All the time while I was in the building he kept saying, "Hurry up, hurry up; got to go a great ways to-night."

Q. He took it all?—A. Yes, sir; $30. I counted it; some of it was in silver. I do not think Douglas took that. There were $26 in greenbacks, which this Indian handed to Douglas. The silver, I think, they handed around there.

Q. This man did not keep the money himself?—A. No, sir.

Q. He evidently had been sent by Douglas to capture you?—A. Yes, sir.

Q. He did not want to keep you for himself, but gave you to Douglas?—A. Yes, sir; he said, "I will take you to Douglas."

Q. You never found out his name?—A. No, sir; they would not tell me. I asked Jane, who spoke English, and she laughed.

Q. Has Josie never been able to find out?—A. No, sir; she never saw him. Perhaps she did. He stood by the fence when she was captured. She may have seen him, but I do not believe she knew who he was. He was a young, smart, and good-looking Indian.

Q. Spoke English pretty well?—A. Yes, sir. He was heap sorry he hit me. He said, "Can you get up?" I said, "Yes." He said, "Will you go with me?" and I said, "Yes." He spoke very plainly.

Q. He took you down to where Douglas had his camp?—A. Yes, sir. He left in a little while, and I never saw him afterwards. He came from the soldiers and I suppose he went back to them.

Q. What did Douglas say?—A. Douglas took the money and did not say anything, but just took me in charge.

Q. Did he put you in his tent?—A. It was most dark when taken there, and I asked him if I could go back and get my blanket. In the first place I asked if I could go and get Spirit book. He wanted me to get medicine, but the Indian sent with me lifted the chest and could not bring it.

Q. The house was not burned?—A. It was only burning. I took towels, blankets, and everything I could and let the Indians have them. They would not let either of the others go back. Josie and Mrs. Price said they would not let them go. Douglas said for me to go and get my medicine book. I got the Pilgrim's Progress and brought it all the way here. The medicine book I gave to the Indian. He said he laid it down and I guess he let it go. He lifted the medicine chest and said, "No carry." Douglas was very mad, and said, "Why you no split the box?" I said, "Platz (Utes ma-ma as I am called) no blanket." He said, "Yes, go back and get blanket." I went and got my shawl, blankets,

and hat that I have worn through. I thought of getting some other things but knew it would not do.

Q. Did you see any one lying dead?—A. No one, only Mr. Meeker; when I went back I saw him stretched on the ground perfectly dead. I was glad to see him because then I knew he was dead.

Q. Were his clothes off?—A. All but his shirt.

Q. Was there any chain around his neck?—A. No, sir.

Q. Was he shot in the head?—A. Blood was running from his mouth. His head was leaning back, and he was lying very straight, as if laid out; with his hands right down beside him, just as if laid out. I was a little ways from him the moment I saw a man dead there, and I thought I would go a little nearer and see if it was Mr. Meeker, and I went right up to his head. The Indian was ahead of me, and as I stooped to kiss his face the Indian turned around and looked at me. I thought it would not do, and I started on and did not say a word to him or he to me. Douglas asked me many times where the agent was, and kindy laughed. He was half drunk and his breath smelt of liquor. All of them with us had liquor and drank it. They had, I should think, pint bottles at least, and they tipped it up, look at it, take a drink, and pass it to the next. We rode four or five miles and then stopped. It was a little cañon, with high rocks all around except where we went in. They had us dismount and lay down, and this time they put the gun to Josie's head. They pointed the gun at me, but I was so tired that I just laid down and did not mind it.

Q. What did they do it for?—A. To frighten us.

Q. Who was that?—A. It was Douglas. He mimicked the soldiers. He was drunk. First I lay outside, and then Josephine and Pah-sone took me around and laid me down on the same blankets.

Q. Did they put up some tents?—A. No; they only stopped a moment to search us, and see if we had anything—even searching our shoes.

Q. Who was that?—A. It was another man. Douglas walked up and down with his gun. I had a needle-book in my pocket. He took that and looked at it and kept it, but gave me back my pocket handkerchief. Those were the only two articles I had with me.

Q. Did you see him put the gun to Josephine's head?—A. Yes; I raised up after he came to me and pointed the gun at me and I screamed and said "Oh." I did not see the gun until it was right up to me, and I jumped up on my elbow and the Indian was standing right by me. She said "Don't be scared, he is only playing soldier." He put up the gun again and I did not say anything. I looked toward Josephine and saw him standing opposite her and she said she never stirred a muscle. They asked her if she was afraid, and she said "No." She thought the Indians were not pleased because he failed to frighten her. They all laughed at him. Josephine said she felt as though she did not care if they did kill her. We then moved out to Douglas's camp, I think ten or twelve miles. We got in a little after midnight.

Q. Was this camp on a running stream?—A. Yes, sir; a stream just back. It was very small. They had water there.

Q. How long did Douglas keep you?—A. He kept me until the last move we made, when he let me go with Johnson. He had been moving up his family to where you got us. He kept me until we went there, and he and Johnson had a talk and it was agreed that Johnson should take me. He told Johnson he would like to have me go with him as Douglas could not go, and Douglas said for me to go along with the rest.

Q. That was a few days before we came?—A. Yes, sir. Douglas was

as good to me as any of the family—they were all rough to me. During Douglas's absence fighting the soldiers—he started Tuesday morning after taking us—he told me to stop in his camp until he came back and it would be all right. Johnnie, his son-in-law, pretended to stick knives in me. The women made all the motions of making a fire and burning me, and running in my way, and everything of that kind. Josephine said they tried to frighten me. I do not know. It was very unpleasant until he came back, when they kept away.

Q. As to the outrages; what of them?—A. It was made known to me that if I did not submit I would be killed or subjected to something of that kind, and after I gav eup nothing was said about it. Douglas I had connection with once, and no more. I was afraid he had disease.

Q. He forced you to submit?—A. Yes, sir. His squaw was gone that night.

Q. Where was his squaw?—A. With his son. Douglas said old squaw. The young squaw was there, but whether she knew of it I do not know. The Indians talked about matters and things until twelve o'clock. After they went away he came to my bed.

Q. Was he drunk then?—A. No, sir.

Q. Had you been notified that you would have to submit?—A. He himself had not, but all the rest had.

Q. His squaw?—A. His children said I had to be Ute squaw that night, and used indecent language. Johnnie gave me to understand that I was to be Ute squaw. I said I was going to wait for Douglas; he had taken me. I expect he wanted to have everything ready for him. I was made to understand I was to submit when he came.

Q. When he came he talked until midnight?—A. He made up my bed and told me where to sleep, and just as soon as those men went away he came there. One great advantage in it was that he was protection for me from the other Indians. More than a dozen wanted me to go and sit down in their tents, and I said I was Douglas's squaw and that kept them from me.

Q. Who were the others?—A. I do not know. One of them in particular came three or four times. He said he was all right—that was, all free from disease. He wanted me to go. I told him I was Douglas's squaw. This was before Douglas got back from the war. He said 'How do you know?" I said Douglas said so. He cleared out. Douglas told me to stay in his tent and I staid there. I was not going to be driven away by any of them. I did not know but that I should be nearly killed, but I got along in that respect better than the rest of them. Douglas was chief and the rest dared not approach me, and so that was better than the rest. The children were cross and all of them were cross. I do not know as his wife ever spoke to me.

Q. Did she know of what had happened?—A. I guess she knew it. One time I sat on the horse waiting for some one to assist me. This limb I cannot stir. When it hung down at the side of the horse I could not raise it. After some one lifted it up I could get off. She rushed up and grabbed me by the shoulder and wrenched me off like a sack. He was standing there and did not say anything. She seemed to do just as she chose to. Douglas always wanted to have enough to eat. He asked me if I was hungry. I could not eat anything. On one occasion he broke off a piece of bread and gave it to Freddy, and told him to give it to me, and told me to put it in my pocket and save it. Some days they would cook, and perhaps not again for three days. They are very peculiar in their cooking. Mrs. Price said they always cooked three times a

day up at their camp. Whenever they had anything I was welcome to anything they had, and as good as they had.

Q. When you were with Johnson was he kind?—A. O, yes. He said Piatz set in Johnson's tent; all right. Susan and Mrs. Price—you would hardly think she was a captive. They would laugh and talk. Josephine felt very badly all the time. She said she felt more for me than for herself; she knew I was suffering. She looked very badly at times.

Q. How did Johnson get Mrs. Price away from those who captured her first?—A. Mrs. Price said he just took her away. Johnson is a pretty rich Indian. He just took her away from them and brought her to his camp among the others. When Josephine was captured, Douglas tried to get her, but Pah-sone would not let him have her. She did not know but they would have a fight. He tried to get her. I have always thought if he had gotten her he would have treated her better, though you cannot tell anything about it. None of them wanted but one in their camp. I wanted to stay with Josephine, and Pah-sone would not let me go there. Douglas said I might go and sit with the white folks if I wanted to. I thought I would, but none of them were willing, and I went back again.

Q. Do you remember any others by name who were engaged in the troubles?—A. There was one name we did not give to Mr. Pollock in furnishing him with a list. His name was Creep; I knew him well.

LOS PINOS AGENCY, COLORADO,
November 18, 1879—10 o'clock a. m.

The Commission met pursuant to adjournment.

Present, Bvt. Maj. Gen. Edward Hatch, U. S. A.; General Charles Adams, of Colorada; First Lieut. Gustavus Valois, Ninth Cavalry recorder and legal adviser.

Absent, Chief Ouray, of the Ute Nation, on account of sickness.

Minutes of last meeting read and approved.

Joseph W. Brady was then called before the Commission, and, being sworn according to law, testified as follows: (Appendix F.)

The Commission then, at 1 o'clock p. m., took a recess for one hour.

2 O'CLOCK p. m.

The Commission met, including Ouray, who arrived at 1 o'clock p. m. from his ranch.

Yanco, an Uncompahgre Ute, was then called before the Commission, and, after being sworn according to the custom of the Ute Nation, testified as follows: (Appendix G.)

Wash, an Uncompahgre Ute, was then called before the Commission, and, after being sworn according to the laws of the Ute Nation, testified as follows: (Appendix H.)

The following correspondence between Agent Meeker and Major Thornburgh was then read and translated to Chief Ouray: (Appendix I.)

The Commission, at 5 o'clock p. m., adjourned until 10 o'clock a. m., November 19, 1879.

APPENDIX F.

Testimony of Joseph W. Brady, November 18, 1879.

LOS PINOS INDIAN AGENCY,
November 18, 1879—10 o'clock a. m.

JOSEPH W. BRADY sworn and examined.

By the RECORDER:

Question. State your name, occupation, and residence.—Answer. My name is Joseph W. Brady, and I am a miller at this agency.

Q. Is this your residence?—A. Yes, sir; I am residing here at the Los Pinos Agency.

Q. When did you first hear of the Meeker massacre at the White River Agency?—A. The 2d day of October, 1879.

Q. How did you receive the news of the massacre?—A. Ouray drove up from his house, I think, about nine or ten o'clock in the forenoon; drove up in front of the office. Major Stanley went out, and I heard him say there had been a fight at White River. I believe he said the agent was killed.

Q. I understand that you were dispatched from here to the White River Agency some time after?—A. Yes, sir; I left in the afternoon of that same day—2½ o'clock.

Q. What were your orders?—A. My orders were to go with Sapovonari, who was to accompany me, and I was to take an order from Ouray, which I afterward understood he had also delivered to Sapovonari. The order was written out for me to take to the soldiers to let them know what Ouray had issued to his men.

Q. What was the order; did you read it?—A. I have read it since. I did not read it, but heard it read before I started. I have the order now; it is in my trunk at the office.

Q. The original order?—A. Yes, sir.

Q. Please produce the original order.—A. Here it is. It reads as follows:

LOS PINOS INDIAN AGENCY,
October 2, 1879.

To the chiefs, captains, headmen, and Utes at the White River Agency:

You are hereby requested and commanded to cease hostilities against the whites, injuring no innocent persons or any other further than to protect your own lives and property from unlawful and unauthorized combinations of horse-thieves and desperadoes, as anything farther will ultimately end in disaster to all parties.

OURAY,
Head Chief Ute Nation.

By General HATCH:

Q. Do you know who dictated or suggested that letter?—A. I think Major Stanley.

Q. He suggested it?—A. Yes, sir.

Q. Who wrote it? We want to know whether or not Ouray got this up himself?—A. I think Major Stanley suggested it.

The RECORDER. Here is a letter from the agent at Los Pinos to the officers in command and soldiers at the White River Agency. It is as follows:

LOS PINOS INDIAN AGENCY,
October 2, 1879.

To the officers in command and the soldiers at the White River Agency:

GENTLEMEN: At the request of the chiefs of the Utes at this agency I send by Jos. W. Brady, an employé, the inclosed order from Chief Ouray to the Utes at the White River Agency.

The head chiefs deplore the trouble existing at White River, and are anxious that no further fighting or bloodshed should take place, and have commanded the Utes there to stop.

I hope that you will second their efforts, so far as you can consistently with your duties under existing commands.

Thus much for humanity.

Very respectfully, your obedient servant,

W. M. STANLEY,
United States Indian Agent.

By the RECORDER:

Q. Please state what occurred on your trip to the agency?—A. There was nothing of interest until we got into the Indian camp, Saturday evening, about 7.15. Nothing much there, excepting after Sapovonari had delivered the order Captain Billy came to me and told me that the Utes would not fight any more.

By General HATCH:

Q. What Captain Billy is that?—A. Captain Billy belonging to this agency.

Q. He was there?—A. Yes, sir; he overtook us as we went in Saturday evening a few miles this side of the camp.

By the RECORDER:

Q. Can you describe where the camp was—on what river?—A. It was on a little creek; I do not know the name of it. Billy told me that night that it was about half a mile from White River, but I was not in sight of White River.

Q. Continue.—A. I did not know whether he informed me correctly or not. We staid there Saturday night until two o'clock Sunday morning. Captain Billy came and woke me up; said that the boys were expecting soldiers down there on Sunday, and they wanted to get an early start and go up before they started. At that time I did not know but that it was only a few miles from where we were. After starting, Captain Billy and I were riding together, and Sapovonari and some more were ahead. I told Captain Billy he had better get Sapovonari to drop back and let me go ahead, and in case we met them before daylight I could give them a flag of truce and probably save trouble. He said we would not arrive there until noon. We went on until about daylight and stopped and built a fire, and I suppose we stopped an hour. Then we started again and did not stop again until ten o'clock. I think it was when we arrived at the headquarters of the Indians. Before we got there we met a squaw, and she said reinforcements had come for the soldiers; the command had been reinforced that morning, and that they were moving out. So we hurried on as fast as we could, and when we got there there were, I suppose, a company or two—I do not know how many men—cavalry, out probably half way from headquarters to where the Indians were, and we heard an occasional fire. There were two or three shots fired after I got up to the Indians behind the mountain, like.

Q. You mean the place where Captain Paine was surrounded?—A. I do not know whether it was or not—I did not hear the name of the creek. It was some 25 miles, the soldiers told me, to the agency from there

Q. Where was it from the agency?—A. East of the agency.

By General HATCH:

Q. You had not crossed White River?—A. Captain Billy said it was White River; it emptied into White River but was not White River.

By the RECORDER:

Q. Was it this side of the agency going from here to the agency; you

had not passed the agency?—A. We left the agency, as I understood, to the left.

Q. Continue.—A. When I rode up the Indians came in single file and shook hands before I had time to alight from my horse, and I think nearly all came and shook hands with me. After I got down I was introduced to Captain Jack. He sat down and motioned me to sit down beside him and asked me if I had not a paper. I told him I had. I asked him if Sapovonari did not have a paper. I did not know at this time but what Sapovonari had a copy or an order the same as I had. I asked Sapovonari if he had a paper, and he said no. I then took out the order and read it aloud, and Captain Jack said "That is all right; we will not fight any more." Says I, "If you do not want to fight any more we want to run up a flag of truce." I had a white handkerchief and began to look around for a stick to tie it to, and he says, "Wait a minute; there will be a larger one here," and in a short time they brought a sheet and teepee pole, and we tore it and tied a fourth of the sheet to the pole. I told him to stick it up behind a little breastwork of stone on top of the mountain. He said no; I must do it. I insisted again, and he said no. So I took the pole in my hand and crept up behind the stones and stuck it up there. After I had been there a very short time an Indian came up behind and laid down and looked through the crevices or cracks. I motioned to him to take hold of it, and then I went back to Captain Jack and some more of them. We waited awhile and I saw that the cavalry were drawn back toward their headquarters, and an officer had ridden out in front toward where we were. We stopped a sufficient length of time, and after firing off one or two shots after I was holding the flag up. After I waited a sufficient length of time I got my horse and went down and met an officer, whose name I disremember now. I asked him if he was the officer in command. He said no; General Merritt or Colonel Merritt—I forget which he called him. I told him I had a message for him, and we rode back to headquarters, and he spoke to the general and said the gentleman here had a message for him. I handed it to some gentleman whom I did not know. He delivered it to General Merritt. He read it and sent it back to me. I was still on my horse. As he sent no answer I got down off my horse and went to where he was and asked him if he had any written answer to send back. He said he believed not. I remarked that I would like to take some answer back to the Indians, and he remarked that he believed he had not anything to send back. That was about all that passed between the officer in command and myself. He was lying on his back under the rear end of a wagon.

Q. How long did you remain at that time with the soldiers?—A. I don't suppose I was there over ten or fifteen minutes; not over twenty, anyhow.

Q. What did you do then?—A. I called for a drink of water, and the gentleman informed me that he would bring me a cup of coffee if I preferred, and he did so. After he brought the coffee I drank. The officer who had met me informed me that he was ready to escort me back. We came back to about where we met and I came on and he went back. Where we separated we met a colonel and he told me to tell Captain Jack the best thing he could do would be to come in the next morning with four or five men under a flag of truce, and they would meet them where they met me and hear what they had to say. We then separated, and I then reported to Captain Jack and the Indians. Captain Jack remarked that he would like to have it settled while I was there. I said if four or five or two or three of the White River Utes, together with

Sapovonari, Colorado, and Captain Billy, would go with me I would go right back with them and they could talk with the officer. They moved around like they were going to get ready to go, and Captain Jack would walk up so as to see over, and he concluded there were too many soldiers. We afterward started, Henry Jim, Captain Billy, and myself. I had consented to go with them. We started and got I suppose a hundred yards down the side of the mountain and Captain Billy then concluded there were too many soldiers. He saw pickets out on either side of the command. He stopped and said there were too many soldiers. By this time I began to feel a little provoked at the way they were acting, and I turned and rode back to where the Indians were and told them that I was going to start home. Before I had gone the first time they had taken the blankets off my horse and had put them on another to keep me from being bothered with them, as they said. I got my blankets and put them on my horse and started home, and they began to fix to start in the same direction I did.

Q. Who accompanied you?—A. That day on that trip?

Q. On the trip back?—Sapovonari, Colorado, Pa-aut, and Charley, who is Shavana's son-in-law. There were some others with me, but I did not know their names at the time, and do not remember who they were. Colorado accompanied us until Tuesday. Tuesday noon we were very much fatigued, and he volunteered to come on ahead. So I wrote a little note to Major Stanley that we would be here. I understood Sapovonari to say we would be here in one sleep, but he aimed to tell me that Colorado would be here after one sleep, and we would be here after two sleeps. We came on, and got here Thursday morning on our return about ten o'clock. At Ouray's we took breakfast, and Sapovonari and myself were brought from there in a carriage.

Q. Who were the White River chiefs that you saw in line in front of the soldiers?—A. I cannot remember any of them. This Henry Jim I did not know at the time. I met him the next day in council out this side of White River. I did not know him at the time. I do not know that I would recognize any except Captain Jack and Henry Jim.

Q. Did you see any Uncompahgre Utes when you were there? I do not mean those who went with you. Were there any with the White River Utes when you arrived?—A. I do not remember of seeing any when I first arrived there. I remember of seeing some while probably I was talking with Captain Jack, after being over to the soldiers.

Q. Do you remember their names?—A. Joe, I believe, was one. I do not know that I can call to mind any more names. I know I saw faces there—a great many—that I knew by their faces that I did not know name.

Q. Try to remember as many of the Uncompahgre Utes as you can?—A. Captain Billy, who went with us that morning. He did not go from here, but overtook us just this side of White River the Saturday evening I came, about one hundred miles from here. He was there that day. I do not believe that I can call to mind any others whose names I know.

Q. You are sure you saw there faces of Uncompahgre Utes that you recognized?—A. Yes, sir.

Q. Among the White River Utes?—A. They were rather back, lying under the hill. When I started over to see the soldiers first, the White River Utes all started back, most of them on horseback—in fact all of them, you may say—and rode away back, and after I came back they came up again.

Q. Did you see any Indians from the Southern Ute Agency at that place?—A. None that I knew.

By General ADAMS:

Q. I understood you to say the first camp of the Indians you arrived at was about half a mile from White River and twenty-five miles from the soldiers?—A. Captain Billy informed me it was half a mile from White River. When I got over to the soldiers I asked some of them if they knew how far it was to the agency. They said twenty-five miles.

Q. How many lodges were there in the first camp?—A. I could not tell you.

Q. A great many?—A. Several tents; as I remember now, a creek ran north and south, with houses on both sides. I got in after night, 7.15 o'clock, but we could see a great many lights; and we went out at 2 o'clock.

Q. Did you sleep in a lodge?—A. Yes, sir.

Q. Whose lodge was it?—A. I do not know; an old-looking man.

Q. Did you meet any of the White River chiefs there—did they come to see you?—A. Quite a number. Some person proclaimed soon after we got there that Sapovonari wanted to speak to them. After we had our horses out and ate supper he talked to them. After he was done talking a while, and they had talked a little among themselves, Captain Billy came to me and told me it was all right; there would be no more fighting.

Q. Do you remember any of those at that place who have been here within the last week?—A. No, sir; I could not say that I saw any of them that night. The talk was not very interesting to me. I was tired, and I wrapped up in my blankets and laid down.

Q. How many Indians were there in front of the soldiers when you got there?—A. There might have been at headquarters there 150; there might have been more or not so many; I could not tell; they were riding backwards and forwards. There were Indians over on the south side of the mountain where their headquarters were. There were quite a number over there riding backwards and forwards.

Q. Did they ask you to propose to General Merritt any terms of peace?—A. No, sir; they wanted me to go back by myself and see what he would do, but I told them it was not worth while.

Q. When you met General Merritt did you ask him what his terms were towards those Indians?—A. I do not know; but I asked him if he had any terms to send back. I think he said he had none.

Q. Did he not say, "Let them come in, lay down their arms, and give up their ponies," or something to that effect?—A. No, sir; not in my hearing.

By the RECORDER:

Q. Did you promise General Merritt or any officer that you would return to them?—A. That I would return to the soldiers?

Q. Yes, sir.—A. No, sir; I told him that I would report to the Indians what he said. After my report to the Indians—that is, after I had reported what he and the colonel had said, and this other gentleman—I advised that four or five of them go over the next morning.

By General ADAMS:

Q. Did you see any dead Indians in the camp?—A. No, sir.

Q. Any wounded?—A. No, sir.

By the RECORDER:

Q. You have lately seen several White River chiefs at this agency. Did you see any of those in front of the soldiers?—A. I have not seen any whose faces I recognize as having been there.

Q. Did you know at the time where the captive women were?—A. No, sir. I asked Captain Billy on Saturday night who were killed, and he said the agent. He told me that two or three times; did not mention any other persons.

Q. Did the Indians seem to desire that hostilities should cease or were they warlike?—A. So far as I could learn they seemed to be perfectly willing to let fighting alone. As soon as I read the order to Captain Jack he said, "All right; we will not fight any more."

Q. Would you have known Douglas and Johnson had they been in front of the soldiers?—A. I do not know that I would. I met Douglas Monday, in the forenoon, about ten o'clock, in camp out this side, where there were about sixty tents pitched, and they seemed to be coming in all the time; and I met him in council there.

Q. How far do you think that camp was from the soldiers?—A. I should think, if the place where we stopped Saturday night was 25 miles from the soldiers, it must have been 38 or 40 to where I was introduced to Douglas.

Q. You saw none of the white captives there?—A. No, sir.

Q. Did you meet Johnson on your journey?—A. I could not say that I did.

Q. Of the prominent Indians in front of the soldiers you only recognized Jack?—A. Jack; that was all.

By General HATCH:

Q. Did the Indians at any time say they had lost any men there?—A. I asked Captain Billy going out Sunday morning how many Utes were killed.

Q. What Sunday morning was that?—A. The 5th October, when we left the Indian camp to go to the soldiers. He said, "How many is that?" [Indicating.] I said 35. He said, "How many is that?" I said 37. He said, "That is the number of Utes."

Q. Did he say any captains were killed?—A. No, sir; I do not remember that he spoke of any. Chief Quarto, or something like that, was one he spoke of. That is the only one that I remember of.

Q. You say some Uncompahgre Utes were there. Do you know the names of those from Los Pinos, besides Billy?—A. Joe and Billy are the only two names that I remember. Some were there whose faces I recognized as being Uncompaghre Utes.

Q. You recognized some faces as being Uncompahgre Utes?—A. Yes, sir.

Q. How many?—A. I do not know as I could say. There were several.

Q. Do you know Cojoe?—A. I never saw him to know him until since then.

Q. Did you see him there?—A. Not that I remember; I could not say

Q. Do you know the name of a small Uncompahgre Ute with rather a bad face—did you see him there?—A. I could not say.

Q. Did you see any Uintah Utes there?—A. Not that I know of.

Q. Did you see Chief Johnson—he is rather a tall Indian?—A. I could not say that I saw him.

Q. Did you see a chief riding on a white horse?—A. I saw one on a light iron-gray as we came home.

Q. Did you know who he was?—A. No, sir. He was a young-like man. I am not sure but I saw one on a white horse. But I did not take as particular notice of him as the fellow on the gray, because the gray was a fine-looking horse, and the Indian was dressed up as different from any others. He had on his buckskin waist or beaded shirt.

Q. Do you know Johnson, Ouray's brother-in-law?—A. No, sir.

Q. Do you know Douglas?—A. Yes, sir.

Q. Do you know So-wa-wick?—A. I had him pointed out to me yesterday.

Q. The first time you saw him did you see either of those there?—A. No; I did not see Douglas until Monday, that I remember of.

Q. Then you think there were other camps besides those you saw there?—A. That is the Indian camp we went into?

Q. Yes, sir.—A. I think all in that immediate vicinity were right along that creek together.

Q. Did you have any conversation with Jack about this engagement?—A. No; nothing after I read the order to him and reported back to him. In fact, I did not report to him personally; I made a general report to the Indians. I believe I reported to Captain Jack and the White River Utes.

Q. Jack was the leader, was he?—A. He seemed to be the head man.

APPENDIX G.

Testimony of Yanco, an Uncompahgre Ute Captain, November 18, 1879.

LOS PINOS, COLO.,
November 18, 1879—2 o'clock p. m.

YANCO sworn by Ouray according to custom of Utes.

By the RECORDER:

Question. State your name, rank, and to what nation you belong.—Answer. My name is Yanco, and I am a captain of the Tabaquaches.

Q. State in your own way what you know regarding the fight which took place between the Ute Indians and the soldiers at or near the White River Agency.—A. Of the trouble at the agency I know nothing. I was at White River, and at the time spoken of I went from White River and staid at Milk River, where I placed my lodge. From there I came back again to White River. Upon arriving at White River the Indians said they wanted to go and see the soldiers.

Q. What did you go to White River for?—A. Because the soldiers were coming. Then I went with the Indians.

Q. You went there with the White River Indians because they heard the soldiers were coming?—A. Yes. At this time, when the Indians were on top of a little mound, they saw the soldiers; there were a great many of them. They were coming on as soon as they saw the Indians, but not coming in close order, and after advancing some they deployed. The Indians staid where they were on the hill top. Then, at the time the soldiers were deploying, from about the center a man came out and made signals with his handkerchief or hat. I thought by the signs made that they wished to talk. I then started to go toward the soldiers, when, having gone about fifty yards more or less, shots were fired. When they fired the first shot I was very near; but the Indian line was some distance from that of the soldiers—perhaps 800 yards. I then

shouted to the Indians that they could do as they pleased; it was well for me, but I could not go any further toward the soldiers. Then I saw no more. I know not whether they closed up to fight or not, or whether they fought any more. I then started from there straight to my camp and broke camp and came on to this place.

By General HATCH:

Q. You brought the information to Ouray about the fight?—A. I was four days on the road coming to the house of Ouray, whom I informed, and then came straight to the agency. That is all I know.

By the RECORDER:

Q. Who were the captains of the White River Utes engaged with the troops near Milk River?—A. I do not know who it was that started this thing.

Q. Why did you go to White River? Were you sent there by Ouray?—A. I did not go by order of Ouray.

Q. What White River Indians did you camp with?—A. I camped with those who came with me from this place, and they came back, while I staid.

Q. Who was the captain in command of the White River Utes when they met and talked with the soldiers?—A. I do not know.

Q. Do you know any of the White River Indians?—A. No.

Q. What other Uncompahgre Utes were with you at that time?—A. There were none.

Q. Do you know the White River chief called Jack?—A. Yes; I know him.

Q. Did you see him at Milk River or near there about the time the troops met with the Indians?—A. I heard that Jack told them not to fight, but I did not see him.

Q. When you left the front of the troops to come back this way did you pass by the White River Agency?—A. No.

Q. Do you know anything regarding the attack on Agent Meeker at the White River Agency, or the capture of the women?—A. No; I came straight away.

Q. Do you know any cause why the White River Utes were angry with their agent?—A. I never had any business which took me to that agency, or any reason to talk about it. I always had other business.

By General HATCH:

Q. Who fired the first shot between the soldiers and the Indians?—A. I do not know about that.

Q. You don't know which side fired first?—A. They fired a great deal all at once, and I could not tell.

Q. Both fired at once?—A. The first shots I heard were from below me, when I was going away.

Q. What do you mean from "below"?—A. The troops were stretched out in a line—deployed both above and below me.

Q. What time of the day was this?—A. Perhaps a little past ten, or about ten in the morning.

Q. Did you hear the Indians say they thought the troops were coming to arrest or make prisoners of any of their people?—A. No; I did not.

Chief OURAY. I knew he knew nothing further until he came to me.

By General ADAMS:

Q. Before starting from White River to Milk River to meet the soldiers, was there a plan agreed upon to resist the advance of the soldiers?—A. No.

Q. They all went out there simply to meet the soldiers in a friendly way?—A. No; to me in person they said nothing.

Q. What did they say in general?—A. I do not know.

Q. About how many went out?—A. I do not know; a good many.

Q. About one hundred?—A. Perhaps less.

Q. Were they mostly young or old men?—A. They were nearly all young men; it appeared to me so.

Q. You saw the officer swinging his hat?—A. I do not know whether it was an officer or not.

Q. Did you see a soldier swinging a hat?—A. Yes, sir.

Q. What did you think that signal meant?—A. The same as I said before.

APPENDIX H.

Testimony of Wash, an Uncompahgre Ute Captain, November 18, 1879.

LOS PINOS AGENCY, COLO.,
November 18, 1879—2 p. m.

WASH sworn by Ouray according to custom of Utes.

By the RECORDER:

Question. State your name, rank, and the nation to which you belong.—Answer. My name is Wash; and I am a captain of the Napartca Utes.

The RECORDER. Mr. Interpreter, please request Ouray to ask the witness what he knows in reference to the trouble at the White River agency, and with the soldiers, and the causes thereof.

The WITNESS. A few days after I left here and camped my lodge on the Gunnison there came the news to me. I then went as fast as I could to White River, but before I arrived the fight had occurred.

By Chief OURAY:

Q. What news was it that caused you to go to White River?—A. Here in the agency I heard that the soldiers were going to White River Agency, but not to fight. Then while at Gunnison I heard a little about the soldiers coming, and that they had intended to fight. I therefore went to White River to inform the Indians that the soldiers were not going to fight, but only going to the agency at White River; because I thought that, I went at the same time I heard the news. The day after, when I had slept on the Rio Grande on this side, my horse gave out. I came across a lodge, and there they lent me a small blue-roan horse. Upon mounting this horse and riding that day I came to a ridge, and upon riding to the top of the ridge I could see a river and lodges.

By General ADAMS:

Q. That is about 20 miles south of White River; a little creek running into White River?—A. When I arrived at the top of the ridge, and looked down and first saw the river, the lodges were standing, as I came in sight of where they were; but upon going up the creek I could not find them. I lost sight of them. As I said, when I arrived at the time where the lodges were standing where I first saw them they were already thrown down; upon reaching the site of the first one the soldiers had already fought. When I reached the site of the first lodge the fight had already taken place.

Q. You heard at that time that they were fighting?—A. They said at

that time that they were fighting. Upon their telling me that they were already fighting, I staid there and tried to get a horse to return on. I staid there awhile. I tried to get two horses to return on. Upon my returning, the sun was down as we were going down the slopes that run into the Grand River. I started to return a little after. On that night I slept on the other side of Grand River, and the next day I crossed the great plateau. I came direct to my house on the Gunnison River. That is all I know.

Q. Were there men and women in that camp?—A. There were men there.

Q. Will you state who the chief of the camp was? Those who were in the camp were not engaged in the fight, because the camp was so far from the scene of the fight.—A. A part of the Indians were there, and only a part, and the other part were below in the gap.

Q. How many lodges were there about there?—A. It appears to me that there were, more or less, about 30 lodges. Likely more. It was quite a large camp; perhaps from 30 to 40 lodges.

Q. Do you know what chiefs, captains, and headmen were in that camp?—A. I think it was Jack's camp, but I did not see him.

By General HATCH:

Q. Do you know whether there have been any Indians killed in a fight?—A. No, I do not. I came back here from there.

Q. Did you see any wounded Indians there?—A. No.

APPENDIX I.

Correspondence between Agent Meeker and Major Thornburgh.

HEADQUARTERS WHITE RIVER EXPEDITION,
Camp on Deer Creek, Sept. 28, 1879.

A. A. GENERAL, U. S. A.,
Headquarters Dep't of the Platte, Omaha Barracks:

SIR: I have the honor to transmit herewith copies of letters rec'd and sent by me for your information.

I am, very respectfully, your obedient servant,

T. T. THORNBURGH,
Major 4th Infantry, Com'd'g Expedition.

HEADQUARTERS WHITE RIVER EXPEDITION,
Camp on Fortification Creek, Sept. 25, 1879.

Mr. MEEKER,
Indian Agent, White River Agency, Colo.:

SIR: In obedience to instructions from the General of the Army, I am now *en route* to your agency, and expect to arrive there on the 29th instant, for the purpose of affording you any assistance in my power in regulating your affairs, and to make arrests at your suggestion, and to hold as prisoners such of your Indians as you desire until investigations are made by your department. I have heard nothing definite from your agency for ten days and do not know what state of affairs exists, whether the Indians will leave at my approach or show hostilities. I

send this letter by Mr. Lowry, one of my guides, and desire you to communicate with me as soon as possible, giving me all the information in your power, in order that I may know what course I am to pursue. If practicable, meet me on the road the earliest moment.

Very respectfully, your obedient servant,

T. T. THORNBURGH,
Major 4th Infantry, Command'g Expedition.

A true copy:

S. A. CHERRY,
2nd Lieut. 5th Cavalry, Battalion Adjutant.

WHITE RIVER AGENCY, COL.,
Sept. 27, 1879.

To Major THORNBURGH,
or Commander of U. S. Troops
between Bear and White Rivers, Colorado:

SIR: Understanding that you are on the way hither with U. S. troops, I send a messenger, Mr. Eskridge, and two Indians, Henry (interpreter) and John Augisley, to inform you that the Indians are greatly excited, and wish you to stop at some convenient camping place, and then that you and five soldiers of your command come in to the agency, where a talk and a better understanding can be had.

This I agree to, but I do not propose to order your movements; but it seems for the best. The Indians seem to consider the advance of troops as a declaration of real war; in this I am laboring to undeceive them, and at the same time convince them they cannot do whatever they please. The first object now is to allay apprehension.

Respectfully,

N. C. MEEKER,
Ind. Agent.

A true copy:

S. A. CHERRY,
2nd Lieut. 5th Cavalry, Battalion Adjutant.

HEADQUARTERS WHITE RIVER EXPEDITION,
Camp on Williams Fork, Sept. 27, 1879.

Mr. MEEKER, *U. S. Ind. Agent, White River Agency:*

SIR: Your letter of this date just rec'd. I will move to-morrow with part of my command to Milk River or some good location for camp, or possibly may leave my entire command at this point, and will come in, as desired, with five men and a guide. Mr. Eskridge will remain to guide me to the agency. I will reach your agency some time on the 29th instant.

Very respectfully, your obedient servant,

T. T. THORNBURGH,
Major 4th Infantry, Com'd'g Expedition.

A true copy:

S. A. CHERRY,
2nd Lieut., 5th Cavalry, Battalion Adjutant.

HEADQUARTERS WHITE RIVER EXPEDITION,
Camp on Deer Creek, Sept. 28, 1879.

Mr. MEEKER,
U. S. Indian Agent, White River Agency, Col.:

SIR: I have, after due deliberation, decided to modify my plans, as communicated in my letter of 27th inst., in the following particulars:

I shall move with my entire command to some convenient camp near and within striking distance of your agency, reaching such point during the 29th. I shall then halt and encamp the troops, and proceed to the agency with my guide and five soldiers, as communicated in my letter 27th inst. Then and there I will be ready to have a conference with you and the Indians, so that an understanding may be arrived at and my course of action determined.

I have carefully considered whether or not it would be advisable to leave my command at a point as distant as that desired by the Indians who were in my camp last night, and have reached the conclusion that under my orders, which require me to march this command to the agency, I am not at liberty to leave it at a point where it would not be available in case of trouble. You are authorized to say for me to the Indians that my course of conduct is entirely dependent upon them.

Our desire is to avoid trouble, and we have not come for war. I requested you in my letter of the 26th to meet me on the road before I reached the agency. I renew my request that you do so, and further desire that you bring such chiefs as may wish to accompany you.

I am, very respectfully, your obedient servant,

T. T. THORNBURGH,
Major 4th Infantry, Com'd'g Expedition.

A true copy:

S. A. CHERRY,
2nd Lieut., 5th Cavalry, Battalion Adjutant.

CAMP ON WHITE RIVER,
Near the Agency, October 11, 1879.

Gen. GEO. CROOK,
Com'd'g Dept. Platte:

* * * * * * *

I enclose copy of letter of Agent Meeker, found on the body of a man this side the agency, killed probably by the hostiles who fought Thornburgh's command on his way out to deliver dispatch.

* * * * * * *

W. MERRITT,
Bvt. Major-General & Col., Com'd'g Expedition.

UNITED STATES INDIAN SERVICE,
White River Agency, Col., September 29, 1879—1 p. m.

Major T. T. THORNBURGH,
White River Expedition, in the Field, Col.:

DEAR SIR: I expect to leave in the morning, with Douglas and Servick, to meet you. Things are peaceable, and Douglas flies the U. S. flag. If you have trouble in getting through the cañon to day, let me know in force.

We have been on guard three nights, and shall be to-night, not because we know there is danger, but because there may be.

I like your last programme, it is based on true military principles.

Most truly, yours,

N. C. MEEKER,
Ind. Agt.

A true copy:

EBEN SWIFT,
2nd Lieut., 5th Cavalry, A. A. A. G., White River Expedition.

HEADQUARTERS DEP'T OF THE PLATTE,
ASS'T ADJUTANT-GENERAL'S OFFICE,
Fort Omaha, Neb., November 13, 1879.

Official copies:

R. WILLIAMS,
Ass't Adj't-General.

LOS PINOS AGENCY, COLO.,
November 19, 1879—10 o'clock, a. m.

The Commission met pursuant to adjournment.

Present: Bvt. Maj. Gen. Edward Hatch, U. S. A.; General Chas. Adams, of Colorado; Chief Ouray, of the Ute Nation; First Lieut. Gustavus Valois, Ninth Cavalry, recorder and legal adviser.

Minutes of last meeting read and approved.

The testimony of Miss Josephine Meeker was then read and translated to Chief Ouray. (Appendix J.)

The testimony of Joseph W. Brady was then translated to Chief Ouray.

At 4.30 p. m. the Commission, at the request of Chief Ouray, to give him time to bring other witnessess, adjourned until 9 o'clock a m., the 22d instant.

APPENDIX J.

Statement of Miss Josephine Meeker, taken at Greeley, Colo., November 4, 1879.

GREELEY, COLO., *November* 4, 1879.

Miss JOSEPHINE MEEKER sworn.

By General ADAMS:

Question. We are desirous of getting the names of the parties who were engaged in the murder of the agent and employés at the White River Agency.—Answer. A great many faces were familiar, but we did not know their names. A great many carried us off that night. We did not see them shoot. They were at the agency and we supposed they were all in the fight. Jack's party was camped fifteen miles above the agency and a few of Douglas's men were camped at the agency. They were the ones engaged, with a few of Jack's men who came down. There may have been a dozen; I do not know.

Q. I have already seen Mrs. Price, and it seems that Douglas was at the camp in the morning?—A. He was there all the time. He camped right near there. The Utes were camped around there with Douglas's

band, and Sunday they all moved, with the exception of Jack's camp, where they held all their meetings—their "talks," as they call them. He left one little wickee up there at the agency to talk in.

Q. When did you see Douglas on Monday morning?—A. Monday noon, half an hour before the firing. He was joking and talking with me. I never saw him in better spirits. He said he would bring his little boy back that evening whom he had taken from the school.

Q. Who were with him?—A. A great many. They held a council at noon at the agency and papa sent this man Escrige to the soldiers with a message.

Q. Who went with him?—A. Antelope and Ebenezer accompanied him; I put up the dinner.

Q. What time did they leave?—A. Between twelve and one o'clock, just as soon as they got dinner. We usually had dinner at noon.

Q. And Douglas and how many remained there?—A. Most of them. Some of them were around the house as they always are. Most of them went back down to Douglas's camp, and half a dozen remained around the house.

Q. As soon as Escrige left most of them went back to the camp?—A. Yes, sir. They were all armed.

Q. Give me the names of those you remember who were around the house at or just before noon?—A. It has been so long I have forgotten the names of them, and some of them I did not know. I know some of them that went out with us that night.

Q. Douglas was there?—A. Yes, sir.

Q. Coloran there?—A. No; I think not that day. I cannot give you the names.

Q. Any Uncompahgre Utes there?—A. Not that I noticed that day.

Q. Pow-vitz there?—A. I do not think he was. He was there in the morning.

Q. Was So-wa-wick there?—A. He came Sunday noon and boarded with us until Monday noon. I did not see him in the fight. I did not see him after dinner.

Q. You know him pretty well?—A. Very well.

Q. You considered him a pretty good Indian?—A. Well, he is pretty good, with the exception that he is always begging for everything and makes considerable trouble.

Q. Was he armed?—A. I presume he was; most of them carry pistols in the belt.

Q. Had he a gun?—A. I do not know. He may have left it in the office. Of course he had not when he came to dinner. They most always carry guns.

Q. You do not remember who were there?—A. No; I do not. Ebenezer was there, and Antelope was there, of course; they went with Mr. Escrige; and a good many other Indian men.

Q. Do you know Sacwiotch, who is the man always with Douglas, and has little to say—always laughing? He has a white spot of hair on the forehead.—A. I do not know him. Maybe I do by a different name. They have several names, you know.

Q. What was the first you knew of any firing going on?—A. The first I knew—the first trouble was when they commenced plowing.

Q. I do not want to go back that far. I am referring to the Monday of the massacre.—A. The first an Indian came in to borrow matches, while I was washing dishes. I gave him some, and he laughed and said, "Me now going to smoke." He excited my suspicions because he said he was going to smoke, and he had such a sneaking laugh. I said

to mother, "I'll warrant he will set something on fire." A few moments after one of the Indians came and patted the heads of the children in the window. He went on, and I heard several guns go off, and I looked out the window and I saw them shooting at Frank Dresser, and he was running. A dozen or more of them were there firing. One of the employés was on the roof and some on the ground, and the Indians were shooting at them. Mrs. Price saw the one on the top fall. Post was inside putting up flour. Then we took the children, ran and hid in the milk-house, and locked the door. Before that Frank came in. He had been to the room to get the guns, but they were all gone—government guns and all were stolen. Father had locked the room at noon, and I do not know how they got them. They were all stolen. He got Mr. Price's gun on the bed, and just then the windows were broken in, and the shots fired. Frank shot one man in the shoulder—Johnson's brother—who died the second day after.

Q. Do you know the name of the man who came in and got the matches?—A. No, I do not know his name. I know his face, but not his name.

Q. Was he one of Douglas's band?—A. Yes, sir.

Q. Do you know the other one who patted the children on the head?—A. No, sir.

Q. Do you know any of them that fired?—A. No, I do not. That is all the firing we saw. We saw nothing more until we ran out of the room.

Q. Did you see Johnson present?—A. No; Frank said he thought he heard him.

Q. Did you see Johnson's two sons?—A. No; I did not see any of them fire. Of course we kept pretty close.

Q. You were washing dishes; did not leave the house, and did not see what was passing outside?—A. No, sir; I did not.

Q. Did you hear any voices?—A. No, sir; not a sound, except at intervals, when half a dozen guns would go off at once; then it would be quiet, and then break out again; and it was kept up all the afternoon. Frank said he thought he heard Douglas, and when the firing would stop he said, "Douglas, has got them quieted down; I heard Douglas talking to them pretty loudly."

Q. Giving you to understand that Douglas was trying to stop it?—A. Frank said so, because he said he heard his voice.

Q. He did not say he heard any other voice?—A. No, sir.

Q. You remained in the milk-house until what time?—A. I suppose—I do not know what time—maybe five o'clock; sundown; about half past five, I guess. Then our room commenced to fill with smoke and we ran out. The Indians were so busy carrying off blankets and goods that they did not see us at first. We ran into father's room. Every thing was just as he left it; a book lay open on the desk where he had been reading; nothing was disturbed. We ran across the street, and through the gate into the field.

Q. To the north of the agency, into the plowed field up from the river?—A. Yes, sir; the last we saw of Frank he was almost across the field. They shot at him and us, and then ran up.

Q. Were the Indians on foot or horseback?—A. On foot. They left their blankets and called to us to stop. One called to me and said, "Come to me; no shoot you." I said, "Going to shoot?" He said, "No." I said, "Better not." He said, "Come to me." And then he took me down to the camp.

Q. Who was that?—A. Pah-sone. I looked back; one had hold of Mrs. Price and one hold of mother.

Q. Did you know the one who had hold of Mrs. Price?—A. No; and she did not.

Q. Had you seen him about the agency before?—A. Yes, sir; I had. I know I thought he was a very mean looking Ute.

Q. Was he in the habit of drawing rations there?—A. I do not know who he was. I tried to notice his face, but they would not permit us to do that much.

Q. Where did they take you?—A. Down towards the river. Pah-sone placed me on the blankets he had stolen. Then I staid there until he packed up. He packed his things on a government mule, and I was put on a horse with the little girl tied on behind me in a blanket.

Q. Did any of the other Utes come near you at that time?—A. No; only Douglas came and tried to take me away from Persune when we were going to the river. He tried to push Pah-sone away and tried to take me away by the arm, but Persune pushed him away, and they had it pretty hot in Ute. I thought they were going to quarrel, but Douglas turned away and went off.

Q. Pah-sone would not give you up to him?—A. No, sir.

Q. Was this man Pah-sone in the camp the day I was there?—A. Yes, sir.

Q. Was he in the council room?—A. He was part of the day, because he told me what they said. He was at the time you came, and after dinner he came down and told me what you had to say.

Q. Is he a chief?—A. No; he is just a common Indian. I asked him what they said. He said, "Washington pretty good talk." They call you Washington.

Q. How long did Pah-sone keep you?—A. All the time.

Q. He had you all the time?—A. Yes, sir; all the time.

Q. Has he a son?—A. Yes, sir; and two children.

Q. Did he at any time feel willing to let you go back?—A. Well, he often told me that maybe we would go to Uncompahgre and see white man. "Maybe so go; maybe so no go"; he did not know. They seemed to talk as if we would. They expected some white man from Uncompahgre. Mr. Brady came up there. They said, "Five sleeps white man come and get you"; that it had been ten sleeps, and they guessed the white folks did not want us. Nevertheless, Henry Jim and Cojoe had started out the morning before you came, to see the white men at Uncompahgre and see what the matter was.

Q. That is what they said?—A. Yes, sir.

Q. Where were Cojoe and Henry Jim?—A. Cojoe had been camping opposite us. He had a camp of his own. Henry was around there a good deal, although he did not camp near us; though sometimes pretty near.

Q. Did Pah-sone treat you well while you were with him?—A. Well, I do not know. No better than what I expected when I was first captured, because I knew the Utes and know their natures pretty well.

Q. This of course is an official investigation and I must get at all the facts. It is not to be published in the newspapers or anything of that kind. I wish to hear the full truth in regard to the matter. Just consider yourself on the witness stand. It is a matter of life and death with some of those Utes. The government will punish them if guilty and we must know the truth.—A. Of course we were insulted a good many times; we expected to be.

Q. What do you mean by insult, and what did it consist of?—A. Of outrageous treatment at night.

Q. Am I to understand that they outraged you several times at night?—A. Yes, sir.

Q. Forced you against your will?—A. Yes, sir.

Q. Did they threaten to kill you if you did not comply?—A. He did not threaten to kill—Pah-sone did not—only on one occasion. I asked him if he wanted to kill me. He said, "Yes." I said, "Get up and shoot me, and let me alone." He turned over, and did not say anything more that night.

Q. Was it a constant thing?—A. No, not all the time. He was away twice, making, altogether, a week.

Q. He was the one who did it first?—A, Yes, sir.

Q. How long after the capture?—A. The same night—Monday. Of course they were drunk, and we dared not refuse them to any great extent. A good many times I pushed him off, and made a fuss, and raised a difficulty.

Q. Was it done while his own squaws were in the tent?—A. Yes, sir.

Q. And they knew about it?—A. Yes. sir.

Q. Did any others do the same thing?—A. No, sir; not to me. He took me as his squaw, and of course the rest dared not come around.

Q. While he was present no one tried to?—A. No, sir.

Q. Nobody even came near your?—A. No, sir.

Q. Did he say anything when he finally released you?—A. The day you came?

Q. Yes. Did he say that you must not tell?—A. He asked me the day before what I was going to tell about the Utes. He said, "You go back and tell them that they are no good." I said no, I should not.

Q. Have you told this to anybody besides your mother?—A. Yes, sir; Mr. Pollock interviewed us. And I believe, also, Dr. Avery of Denver. She is a lady physician in Denver; of course we don't want the newspapers to get hold of it.

Q. Did you tell Mrs. Avery that she must not make it known?—A. She will not. The Indians delight in telling such things. It is generally talked around at the camp, and a good many white settlers who live around the borders call in now and then, and of course they will spread it if they can.

Q. They have not seen any white people, so far?—A. But some of the Utes will in the course of time. They can all talk English, you know. You know how low they are.

Q. They kept it from me very strictly. You did not tell me when we were in camp.—A. I did not see you; of course they would not tell you, because you are Washington, and it would not do. But in among the white settlers they are very low, mostly.

Q. Do you think Ouray knows it?—A. I do not know; they will probably tell him.

Q. Did Henry Jim know it?—A. O, yes; of course it was a general conversation all the time.

Q. Did not they seem to think it was very wrong?—A. No; they thought it was a pretty good thing to have a white squaw. His squaw told me I must not make a fuss about it; it was pretty good. I do not think she dared to do anything. I think she felt sorry for me, but she did not dare do anything for me. Jane said: "Well, I cannot help it, bceause these Utes want to take you and protect you." She says, "We will give you enough to eat, and you will not starve while you are with us. If he wants to protect you I cannot help it." I told her I did not

think much of the protection. Of course the newspapers in Colorado would want nothing better than to get hold of it.

Q. Did Douglas ever offer you any insult?—A. No, he did not to me, but he did on one occasion to mother. I think that is what made a good deal of the trouble—his squaws were jealous; they did not want her there. Johnson told Mrs. Price that she must not let his squaws know of it, or they would whip her.

Q. That is the reason your mother was turned over to Johnson?—A. No, sir; because Douglas could not. They wanted to keep us away back where the soldiers could not reach us. They intended to fight the soldiers. Only a few went with us away from the rest. They said if the soldiers advanced they were going to kill them, and they thought they could. They were preparing for war. They dared not go south, for Ouray sent word for them not to come further south, and they were going to stand their ground.

Q. This is the only one who was guilty of that—this man Pah-sone?—A. Yes, sir.

Q. Do you know whether Powvitz took any part in the business?—A. Yes, sir; I think he did.

Q. What did he do?—A. I think he helped kill the white men. Johnson said he killed father, but of course you cannot tell anything about it.

Q. Johnson said Powvitz did it?—A. Yes, sir; he said he did not like Powvitz because he killed father.

Q. Do you know Tabashatez?—A. Yes, sir.

Q. Where was he?—A. I do not know whether he was at the fight or not. He camped right alongside of us, opposite Johnson.

Q. What part did Johnson take in the fight?—A. I do not think he took any.

Q. Was there not some talk about his being in the Thornburgh fight?—A. I believe he told Mrs. Price so, but I do not think that is true, because he was there when I got there and all the time after that. He never went off after that. He told Mrs. Price that he killed Thornburgh, but I do not think so. They delight to brag about it.

Q. You saw Johnson on the evening of the massacre at the agency?—A. When we got out to camp, Johnson was there. He did not come along with us. Johnson's brother was in the fight, and his sons Tim and Charley.

Q. In the fight with the soldiers?—A. No; at the agency.

Q. Did they talk of any others who were at the agency that you knew of?—A. O, yes; a good many of them.

Q. Pah-sone, of course, was there?—A. Yes, sir; I do not know that I can give you as correct a list as I gave Mr. Pollock, because I have forgotten.

Q. Did you give a list to Mr. Pollock?—A. Mrs. Price and I gave him a list. There was Douglas, Johnnie, Douglas's son-in-law; Creep, Serio, another son-in-law of Douglas; Tim Johnson, Charley Johnson, and another fellow by the name of Charley, Cojoe, Pah-sone, Powvitz, Antelope; I do not know whether Ebenezer helped kill the white men, but I think he did; Pete, Henry's brother, who came over with me after the fight. There was a Uintah Ute named Thomas; I do not know whether he took part in killing the white men or not; he was along with us. Those are all the names I remember. There are a good many faces I could tell if I saw them, but I do not remember the names.

Q. Any women there?—A. A good many squaws, and after the killing of the white men they came and helped carry off the goods. Then

the next day they were carrying off goods all day, going back and forth to the agency.

Q. Where did they take you to camp that night?—A. About twelve miles. It took us until one or two o'clock to get in, but we stopped on the way.

Q. Was there any water there by the trail?—A. No; right off from the water. We turned and went up into a little cañon. Jack's men had a great deal more sugar and flour than Douglas's men.

Q. Where did they get it?—A. At the agency.

Q. When did they come to plunder?—A. All the next day. They stole what they could that night and came again the next day. Some of the men that were in this went to Jack's camp, as Mrs. Price can tell you, because she went over to Jack's camp that night, which was five or six miles from where we were, in a different direction.

Q. Did you learn from conversations who were the leaders in the attack on the troops?—A. No; I don't know. I should judge Jack was. They so told me. I asked two or three times where Jack was, and they said fighting soldiers. Douglas started off early the next morning, and was gone five days. He was in the fight everywhere. Jack told me Sunday that he did not want to fight any more. He said Douglas was always wanting to fight. He did not like to do it, but Douglas did. The story about these pictures I cannot unravel. I feel confident there is something in it.

Q. What was that?—A. They told us that pictures were found on, I think, Thornburgh's body after they killed him, or some of the head chiefs whom they killed the first time—pictures of father, mother, me, and Mrs. Price; I do no not know whether any more of the employés or not; some murdered in one place and some in another; father was shot in the head, I through the breast, and all of us covered with blood, and they claimed that father sent those pictures out to stir up a sentiment against the Indians, telling them that was the way all of us would be massacred if they did not hurry up and come in there.

Q. Did they show the pictures to you?—A. No. They seemed to be correct pictures, because they recognized who they were. Otherwise I should have thought the soldiers drew them for their amusement.

Q. They did not show them to you?—A. No, sir.

Q. It was all a lie?—A. I do not think so. They told me time and time again, and they all agreed. They would tell us in camp about the movements of the soldiers. I would ask half a dozen, one after another, and if they all told me the same thing I could believe it; if not, it was not so. They all told me about it. Douglas and Jack both told me the whole story, and every time they seemed perfectly enraged.

Q. But they did so treat you finally?—A. Yes, sir. Some one had read to them all the stories in the Denver papers about the massacre of the employés before that. That enraged them. They said father wrote all the stories.

Q. Did Jack say anything about the fight with Thornburgh, and how it came to occur?—A. He said they commenced fighting with them. He said Thornburgh was going to handcuff and hang them, or take them away to some cell; and gave the exact names of those they were going to arrest.

Q. Who were they?—A. Chinaman, Bennett, Johnson, Douglas, Jack, Coloron, and Washington. They were after Chinaman.

Q. Did you see anything of Chinaman and Bennett?—A. I do not think I did. I saw Chief Washington at the massacre; he ought to be punished.

Q. At the agency?—A. I saw him that night; he stole more horses and has killed more people in the country around than anybody but Coloron.

Q. Was he in the fight that day?—A. Yes, sir; I saw him that night.

Q. Did you see anything of Chief Pa-ant?—A. I do not know him.

Q. He was up with Piah. At the extreme north was the camp of Johnson, then south of that were two tents, one belonging to Piah and the other to Pa-ant.—A. I do not know. All the Utes admitted that Piah killed that man over in Middle Park last year; Elliott was his name.

Q. What did Piah do in this fight?—A. I do not know that he had anything to do with it.

Q. You named in the list Cojoe. Did you see him at the agency?—A. I do not know as I saw him that night, but I think he was in it from the conversation I caught and the amount of stolen goods he had.

Q. I saw a dress coat on him, and also a watch.—A. The dress coat he took from the soldiers.

Q. Then he could not have been at the agency.—A. They got the clothes after that. I have a silk handkerchief from the full-dress coat with initials on it. He said he killed the soldier and got it.

Q. Then he could not have been present at the killing of your father?—A. O, yes; because the fight with father was in the afternoon, and after that all the Indians went to fight the soldiers.

Q. This ambulance was taken the first day of the fight with the soldiers?—A. I do not know. They got all the clothing afterward.

Q. Did you see Cojoe when you were captured by Pah-sone?—A. No, sir; not that evening. He had an immense amount of stolen goods from the agency, and he would not have gotten so many if he had not been there. After the first day and for a week or so they were bringing in soldiers' clothing. Pah-sone went off and was gone two or three days and came back with soldiers' pants.

Q. They encountered some of the soldiers?—A. They all went to fight the soldiers, and they came back with clothes, and for a week after they came in with soldiers' things.

Q. They took their time afterward to pick up the things?—A. They must have been taken from the soldiers. They said they killed soldiers all along after that They said as the soldiers came out to drink at night, here and there they would pick off one. They said they would keep them there, and they would not fight in the daytime, but in the nighttime soldiers came to drink and they would shoot them from the high cedars in the mountains, where they hid.

Q. You think they went out for the purpose of fighting the troops that day?—A. Yes, sir; they told us so. All were gone but a few men to keep us. When they came back they had soldiers' things. I have several letters, bills, and one thing and another that came from the soldiers, with names on.

Q. Have you them now?—A. Yes, sir.

Q. You will please let me see them.—A. (After looking for them.) I cannot get them just now. My brother took off a sack yesterday, by mistake, containing those papers, and it has not been returned.

Q. Were those things from the soldiers?—A. Yes, sir.

Q. Were there any of Thornburgh's things?—A. No, none of his. Henry had a good many soldiers' things; he had a pocket-book with eleven dollars in it; he is an Uncompahgre Ute.

Q. Henry Jim do you mean?—A. Cochatoba Henry.

Q. How many Uncompahgre Utes did you see?—A. Most of the Un-

compahgre Utes went over with Mrs. Price that night. One caught her, and she said two others were there.

Q. You did not see them?—A. No, sir. Perhaps I would not have known them had they been there.

Q. What did Cochotoba do?—A. I think he was in the fight with the soldiers. He said to me, "I fight and kill and scalp soldiers." He said he would give me the pocket-book when he got another soldier. He said, "Me go in one or two days and kill another soldier, and then you may have it."

Q. Had he any watches?—A. Cojoe had a watch which he said he got from the soldiers. I believe Ouray took that watch away from him.

Q. How did you learn that? I saw the watch myself.—A. Some of them told me so; I think some of them at the agency. One day he started before you came.

Q. I met him. He rather insinuated that he had you with him.—A. He is a great friend of Pah-sone and they were camped near each other. He tried to buy me, and said I had to be his squaw.

Q. He did not try to take Pah-sone's place?—A. No, sir.

Q. Do you know Yamanuz?—A. Yes, sir.

Q. Was he engaged in anything?—A. I do not know; he said he was not. We met him several days after. He said he would cry if his mother and sister were like us. I said, "If you feel so badly about it why don't you let us go?" He said, "No go."

Q. Do you know an Indian by the name of Acapias, a stout old looking fellow?—A. Has he any other name? I do not know him by that name. There were two Indians who did not have anything to do with killing the whites. They were Ungerratz and Henry Jim. I do not think those two were engaged in it; all the rest were.

Q. Was old man Ungerratz engaged in it—quite an old man?—A. Long hair, good natured and very pleasant. He is the one.

Q. Nor Henry Jim, the interpreter?—A. Yes, sir.

Q. Was he not fighting the soldiers?—A. I do not know about fighting the soldiers; I cannot tell as to that; I was speaking of the massacre.

Q. Did you hear them speak of killing those freighters?—A. Yes, sir.

Q. Who did that?—A. I do not know. They said they killed them.

Q. They did not say who did it?—A. No.

Q. Did they say why they killed them?—A. No, sir; they did not say anything about, but simply that they killed them.

Q. All the white men whom they met they killed?—A. Yes, sir. I said to them, "What did you kill them for; do you kill every white man you see?" They said, "Yes; going to kill every white man."

Q. Who said that?—A. Some of them that I was talking to—some of the Utes.

Q. You have remarked once or twice about the Indians having whisky?—A. Yes, sir.

Q. Where did they get it?—A. They must have bought it at the stores, some of them. There are a good many stores at the agency—all of them were outside—trading stores on the Bear and Snake Rivers. I think it did not come from the medicine supplies, because that comes in these round bottles and is labeled.

Q. Did you see it?—A. It was in flat whisky-flasks.

Q. Did they have several bottles?—A. What I saw—the bottle was about half full. They took two or three drinks and passed it around while taking me to the river. Douglas had whisky. Mother said a good many of them had. I smelt their breath.

Q. Could they not have gotten it from the herders they killed?—A. O, no; because there was no time. The fight at the agency and killing of Thornburgh I do not suppose was more than an hour apart.

Q. You say, I believe, that the messenger came in and said ten Utes had been killed, and thereupon they commenced killing people at the agency?—A. I believe the runner came as soon as the fight with Thornburgh and informed Douglas, and immediately they commenced killing white men, because we saw the runner; but of course I do not know what he came for.

Q. You say Ebenezer and Antelope came back after starting with Escrige?—A. In about half an hour Ebenezer came back. I put up dinner for Antelope and Ebenezer, and I found the same newspaper in Antelope's camp that I wrapped the dinner in; it was the Springfield Republican, and had butter on it; I noticed that. Antelope had Escrige's revolver. So it is pretty good evidence that he killed Escrige and took his revolver.

Q. Escrige was found as you go up the river from the agency?—A. Yes, sir.

Q. About a mile and a half from the new agency to the small rocks near the road side, probably a mile and a half from the agency, and right in the sage-brush, he was found?—A. Yes, sir.

Q. You think those men, his escort, killed him?—A. No doubt of it. Antelope had his revolver.

Q. Did Ebenezer say anything about it?—A. He said something in Ute to Mrs. Price, but she did not understand what it was.

Q. Those two Indians were to go with him to the soldiers?—A. Yes, sir.

Q. Do you remember of any others who talked about it?—A. Tim Johnson said he killed Mr. Post, but whether he did or not I do not know.

Q. Did he wear his clothes?—A. Some of them wore his clothes.

Q. Did you ever see your father's clothes in anybody's possession?—A. One Indian had father's shoes on; I forget what his name was; I know him well enough.

Q. Did you see his coat?—A. No; but I saw his pants; I do not know who had them.

Q. Did you see any clothes of the other employés?—A. Yes, sir; I saw Mr. Shepherd's buckskin pants. I do not know the Indian who had them on; I know his face, but not his name.

Q. Did any of them whom you knew have any of the clothes?—A. No; I do not know that they had.

Q. Did you ever see any of the employés' or government guns in possession of any of them?—A. No, I guess not, except that revolver. They had the guns, because during the firing while fighting the employés every little while a heavy gun would go off, and Frank would say, "There goes a government gun." He knew them by the sound; they were much heavier than theirs. Persune had two government horses at the agency. I rode one of the government mules myself. After they had burned the buildings, killed the employés, and kept the soldiers in the hole, as they called it, until re-enforcements came, then they said, "We heap tired fighting; now pretty good; we go and shake hands with soldiers"; and went out to shake hands with the soldiers. They said the soldiers would not shake hands with them, and they returned very much disappointed. They tried to talk with the soldiers, but the soldiers would not talk. They said they sat on one hill and the soldiers on the other, way off, and they talk to them very loudly. The soldiers, they said, no shake hands

with them. They felt sure whenever they got through fighting that the soldiers would be ready to stop.

Q. You did not see Coloron?—A. I think he was fighting the soldiers with Jack. I did not see him. He made them a long speech Sunday night, shortly before we left; it was the week before you found us. He told them to move no further south, but to stop and leave their horses and children there, and if the soldiers pressed them, to fight; but not to go any further south. I think they were all engaged in it. Jack's men never go to Douglas for anything; they are separate. Jack is one chief and Douglas another. They are always pulling against each other. Sunday morning they came to the agency and had a talk. They were all armed, and I think they fixed up this affair that morning. Sunday night they had a war-dance all night.

Q. That was the night Sowawick was at your house?—A. Yes, sir.

Q. He had nothing to do with the war-dance?—A. I do not know; I do not think he had. I think he slept in Post's room. I think it is generally agreed. Thomas told us they had a council to see whether or not they should kill the women and children, and they said they decided to let the women go because they joked and laughed with them and were pretty good friends all the time.

Q. Did you hear them say who killed Meeker?—A. No, sir; only Johnson got mad at something said about the agent. He said he did not like Powvitz because he killed the agent. He said he "no fight the agent."

Q. Did you hear any one say who killed any of the other men?—A. No, I do not think any one knew who killed them. They would see a man, and half a dozen would fire at once and keep firing until they killed him. When they came across another man they would do the same thing.

Q. Altogether, you think, twenty came to the camp?—A. I think more than twenty—about twenty-five or thirty.

Q. Were they all engaged in the killing?—A. Yes, sir.

Q. Douglas as well as the others?—A. Yes, sir.

Q. Although Dresser heard or thought he heard Douglas trying to stop it?—A. He said, "I think Douglas is trying to stop it." He had so much faith in Douglas. He heard Douglas's voice there at the time after the first firing.

LOS PINOS AGENCY, COLORADO,
November 22, 1879—12.30 p. m.

The commission met pursuant to adjournment.

Present: Bvt. Gen. Edward Hatch, U. S. A.; General Chas. Adams, of Colorado; Chief Ouray, of the Ute Nation; First Lieut. Gustavus Valois, Ninth Cavalry, recorder and legal adviser.

Minutes of last meeting read and approved.

The following telegram, received from Secretary Schurz at 12 m. this day, was then read and translated to Chief Ouray. (Appendix K.)

The correspondence between Agent Meeker and the Indian Department was then read and translated to Chief Ouray. (Appendix L.)

Charley, an Uncompahgre Ute, was then called before the Commission, and, after being sworn by Ouray according to the custom of the Ute Nation, testified as follows. (Appendix M.)

At 4 o'clock p. m., the Commission adjourned to meet at 9 a. m. the 24th instant.

APPENDIX K.

[Telegram from Secretary Schurz to General Edward Hatch, U. S. A., president Ute Commission, Washington, D. C., November 19, 1879.]

OFFICE OF ACTING ASSISTANT ADJUTANT-GENERAL,
In the field, Lake City, Colo., November 20, 1879.

General EDWARD HATCH,
Commanding District of New Mexico, Los Pinos, Colo.:

The following dispatch just received:

WASHINGTON, D. C., *November* 19, 1879.

To General HATCH,
Ute Commissioner, Los Pinos Agency, via Lake City, Colo.:

Ouray's proposition to come to Washington with some chiefs is acceptable, with the proviso that we cannot here receive as delegates any White River Utes who were connected with the crimes committed there. Their talk before the Commission as if no crimes had been committed to their knowledge is the merest trifling. Ouray cannot expect the government to accept such testimony, or to act upon any assumption so absurd. There can be no doubt that Douglas, Jack, and the other White River chiefs know who attacked Thornburgh, and who massacred the agency people. Their concerted efforts to shield the guilty parties by the transparent plea of ignorance as to the well-known facts raises a strong presumption against themselves, and they are therefore not fit men to treat with. They can clear themselves so as to be received here only by pointing out and surrendering the guilty parties. They must all be made to understand that unless this is done the whole tribe must be held responsible, and be dealt with accordingly.

You may assure Ouray that his loyalty is highly appreciated by the government and his advice always welcome, but the question whether the guilty parties must be found and surrendered, in failure of which the tribe must be proceeded against, is not open for negotiation. Ouray's visit here can have only two objects: to recommend mercy in individual cases, and there his recommendations will be received with respect; and, secondly, to discuss with us what arrangements are to be made for the Utes hereafter. If the Commission has any further facts or views to state with regard to the delegation, do so without delay.

Can you advise what should be done, in case Ouray and the loyal chiefs come away, to insure good conduct on the part of the White River leaders?

The Commission, if they have reason to think themselves in danger, must follow their own judgment in taking such steps as their safety may require. I earnestly hope you will succeed.

C. SCHURZ, *Secretary.*

Very respectfully, your obedient servant,

JNO. F. GUILFOYLE,
Second Lieutenant, Ninth Cavalry, A. A. A. General, in field.

APPENDIX L.

Correspondence between Agent Meeker and the Indian Department.

DEPARTMENT OF THE INTERIOR,
OFFICE INDIAN AFFAIRS,
Washington, D. C., November 13, 1879.

I, E. A. Hayt, Commissioner of Indian Affairs, do hereby certify that the papers hereto attached are true and literal copies of letters and telegrams on file in this office, relating to recent difficulties with the Ute Indians of the White River Agency, to wit: Two letters of United States Agent N. C. Meeker to Commissioner of Indian Affairs, dated respectively August 31 and September 8, 1879; telegram of September 10, 1879, from Agent Meeker to Commissioner of Indian Affairs; telegram,

dated September 13, from E. J. Brooks, Acting Commissioner, to N. C. Meeker; telegram to Agent Meeker, dated September 15, 1879, by Acting Commissioner E. J. Brooks; two telegrams, dated respectively September 17 and September 22, 1879, from N. C. Meeker to E. A. Hayt, Commissioner; telegram of Hon. C. Schurz, repeated to Agent Meeker by E. J. Brooks, Acting Commissioner, September 23, 1879; telegram, dated September 28, 1879, from N. C. Meeker, agent, to E. A. Hayt, Commissioner; telegram, dated September 29, 1879, from N. C. Meeker, agent, to E. A. Hayt, Commissioner; as the same appear on file in this office.

E. A. HAYT,
Commissioner.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., November 13, 1879.

I, Carl Schurz, Secretary for the Department of the Interior of the United States of America, do hereby certify that E. A. Hayt, whose name appears signed to the foregoing certificate, is now, and was at the time of signing the same, Commissioner of Indian Affairs, and that full faith and credit are due to his official acts as such; and that the papers hereto attached are true and literal copies of papers on file in this office, as described in the schedule hereto attached, and as the same appear on file in this department.

In testimony whereof I have hereunto set my hand and have caused the seal of said department to be affixed on the day and year above written.

[SEAL.]

C. SCHURZ,
Secretary.

UNITED STATES INDIAN SERVICE,
White River Agency, Colo., Aug. 31, 1879.

Hon E. A. HAYT,
Commissioner Indian Affairs, Washington, D. C.:

SIR: * * * The great number of the Indians are now just returning from their long ramble of 7 or 8 months; some of these have already asked permission to go hunting into the Sweetwater country, and being refused they are in a bad humor. Unless prevented by force, I think they are sure to go off and probably take almost all of the tribe, as there is great attraction with considerable profit in buffalo hunting. The white settlers outside the reservation, particularly in Middle Park, have been loud in their protests and complaints against these Indians for their killing game and firing grass and timber.

I shall now make an attempt to establish a police force among the Indians, although at the same time I am obliged to have a police of employés to guard against certain Indians and unprincipled white men combining to run off cattle. My impression is that Indians are not to be depended upon against their own people.

Last week the sheriff of Grand County came to this agency, warrants for the arrest of Chinaman and Bennett, two Indians charged by Major Thompson with burning his house on Bear River. I attempted to get Chief Douglas to assist, so that these culprits might be found, but he refused, saying he knew nothing about them and he would do nothing. And yet he has been extremely friendly; he sent his boy to school, and he has worked all summer. The Indians were not found, and the sheriff and posse of four returned. * * *

Respectfully,

N. C. MEEKER,
Ind. Ag't.

UNITED STATES INDIAN SERVICE,
WHITE RIVER AGENCY, COLO.,
September 8, 1879.

Hon. E. A. HAYT,
Commissioner Indian Affairs, Washington, D. C.:

SIR: We had recently finished plowing an 80-acre field, all enclosed; then we irrigated a piece of adjoining land upon which the agency buildings stand, at a corner. This parcel lies between the mill and the street coming to the agency, and embraces probably 200 acres, and the plan was to devote 50 acres next the street and agency to tilled crops, and the remainder to grass land, and to enclose the whole with one common fence. First, it is necessary to have fields contiguous that fences may be watched and depredations kept in check, and also to make the work of irrigation as inexpensive as possible, since to carry water far involves heavy outlays, besides being attended with the greatest difficulties by reason of uneven ground. In short, the described parcel was every way fitted for the object stated, and the new locality of the agency was made with a view of utilizing and improving this particular land.

When we commenced plowing last week three or four Indians objected. They had set their tents down towards the river, and two corrals had been built, although I had previously told them the ground would be plowed. I offered to move their corrals by employés' labor, and showed them other places, of which there are many equally good, but they refused to consider. This land is good, and, being close to the agency, their horses are protected; in short, they simply needed the ground for their horses. Now, since it was evident that if I could have moved the agency buildings two or three miles below, they would come and claim equal squatters' rights there also, and I told them so, to which they replied that I had land enough plowed and they wanted all the rest for their horses; still they did indicate that I might plow a piece further away, covered with sage and greasewood, intersected by sloughs and badly developing alkali, while at the best it would take three months to clear the surface. They would listen to nothing I could say, and seeing no help for it, since if they could drive me from one place they would quickly drive me from another, I ordered the plows to run as I had proposed.

The first bed had been laid out and watered, 100 feet wide and half a mile long, and when the plowman got to the upper end two Indians came out with guns and ordered him not to plow any more. This was reported to me, and I directed the plowing to proceed. When the plowman had made a few runs around the bed he was fired upon from a small cluster of sage brush, and the ball passed close to his person. Of course I ordered the plowing to stop; I went to Douglas, the chief, but he only repeated that they who claimed the land wanted it, and that I ought to plow somewhere else.

Then I sent a messenger to Jack, a rival chieftain, 10 miles up the river, who has a larger following than Douglas, and he and his friends came down speedily, and the whole subject was discussed at great length. The conclusion was that Jack and his men did not care anything about it, but I might go on and plow that bed (100 ft. wide and one-half a mile long). I said that was of no use; that I wanted to plow 50 acres at least, and I wanted the rest for hay, as we had to go from 4 to 7 miles to do our haying, and even then the Indian horses eat much of the grass; then they said I might go on and plow as I proposed. This was either not understood or not assented to by the claimants, for when the plow started next morning they came out and threatened

vengeance if any more than that bed was plowed. Immediately I sent again for Jack and his men, and the plow ran most of the forenoon, when I ordered it stopped, for by this time the employés were becoming scared. Another long council was held, and I understood scarcely anything that was said, though I was present for hours, smothered with heat and smoke, and finally it was agreed that I might have the whole land, and plow half of it and inclose the rest, providing I would remove the corral, dig a well, help build a log house, and give a stove, to which I assented, for substantially the same had been promised before.

Altogether there were not more than four Indian men engaged in this outbreak, properly; there was only one family, the wife of which speaks good English, having been brought up in a white family; the remainder were relatives, and besides were several sympathizers, but by no means active.

During all this time I had a team in readiness to go to the railroad to ask instructions from you by telegraph, but the necessity for this seems, for the present, averted.

My impression is decided that it was the wish of all the Indians that plowing might be stopped, and that no more plowing at all shall be done, but that the conclusion which they reached was based upon the danger hey ran in opposing the Government of the United States.

Plowing will proceed, but whether unmolested I cannot say. This is a bad lot of Indians; they have had free rations so long, and have been flattered and petted so much, that they think themselves lords of all.

Respectfully,

N. C. MEEKER,
Ind. Ag't.

[Telegram.]

WHITE RIVER, *September* 10, 1879.

E. A. HAYT,
Com'n'r, Washington, D. C.:

I have been assaulted by a leading chief, Johnson, forced out of my own house and injured badly, but was rescued by employés. *It* is now revealed that Johnson originated all the trouble stated in letter September eighth; his son shot at the plowman, and the opposition to plowing is wide; plowing stops; life of self, family, and employés not safe; want protection immediately; have asked Governor Pitkin to confer with General Pope.

N. C. MEEKER,
Ind. Ag't.

[Telegram.]

OFF. IND. AFF'S,
Washington, D. C., Sept. 13, 1879.

MEEKER,
Ag't, White River Agency, Colorado, via Rawlings, Wyoming:

War Department will be requested to direct commanding officer nearest post to send troops for your protection immediately.

E. J. BROOKS,
Acting Comm'r.

[Telegram.]

OFF. IND. AFFAIRS,
Washington, Sept. 15, 1879.

MEEKER,
Agent, White River Agency, via Rawlins, Wyoming;

War Department has been requested to send troops for your protection.

On their arrival, cause arrest of leaders in late disturbance and have them held until further orders from this office.

Report full particulars soon as possible.

E. J. BROOKS,
Acting Com'n'r.

[Telegram.]

U. S. I. S., WHITE RIVER AGENCY, COLO.,
Sept. 17, '79.

Hon. E. A. HAYT,
Commissioner Indian Affairs, Washington, D. C.:

SIR: Your message of 13th instant received to-day. There is no particular change either for worse or better.

No plowing is done, nor will till it can be done in safety. It remains to be seen whether the business and industries of this agency are to be conducted under the direction of the Indians or of yourself.

Respectfully,

N. C. MEEKER, *Ag't.*

[Telegram.]

WHITE RIVER AGENCY,
Sept. 22, '79.

To E. A. HAYT,
Com'r' Washington, D. C.:

Governor Pitkin writes cavalry on the way; dispatch of fifteenth will be obeyed.

N. C. MEEKER, *Ag't.*

[Telegram.]

OFFICE OF INDIAN AFFAIRS,
Washington, D. C., Sept. 23, 1879.

Agent MEEKER,
White River Agency, Colorado, via Rawlins, Wyoming;

Secretary telegraphs from Denver that two Ute Indians, Bennett and Chapman, have been identified as having burned down citizens' houses outside of reservation. "Warrants are out against them. Agent Meeker should be instructed to arrest and turn them over to the civil authorities; also to identify and arrest Indians having set fires to forests." You will act on Secretary's suggestion, calling on military for assistance if necessary.

E. J. BROOKS,
Acting Commissioner.

[Telegram.]

WHITE RIVER AGENCY, COL.,
Sept. 26th, '79, via Rawlins, Wy., September 28, '79.

Hon. E. A. HAYT,
Com'n'r, Washington, D. C.:

Would say to yours twenty-third September, if soldiers arrest Indians and go away I must go with them; soldiers must stay; large bodies of Indians leaving for the north to hunt; they insisted I should give out blankets now; I refused; trade in guns and ammunition on Bear and Snake Rivers brisk; Company D, Ninth Cavalry, at Steamboat Springs, waiting instructions, which came to-day from General Hatch, and are forwarded to-day by employé.

N. C. MEEKER, *Ag't.*

[Telegram.]

WHITE RIVER AGENCY, COL.,
29th September.
DEP'T INT., *Sept.* 29, 1879.

E. A. HAYT,
Com'r, Washington, D. C.:

Major Thornburgh, Fourth Infantry, leaves his command fifty miles distant, and comes to-day with five men. Indians propose to fight if troops advance; a talk will be had to-morrow. Capt. Dodge, Ninth Cavalry, is at Steamboat Springs, with orders to break up Indian stores and keep Indians on reservation. Sales of ammunition and guns brisk for ten days past; store nearest sent back sixteen thousand rounds and thirteen guns. When Capt. Dodge commences to enforce law, no living here without troops. Have sent for him to confer.

N. C. MEEKER, *Agent.*

APPENDIX M.

Testimony of Charley, a captain of Uncompahgre Utes, November 22, 1879.

LOS PINOS INDIAN AGENCY, COLO.,
November 22, 1879—3 o'clock p. m.

CHARLEY sworn by Ouray in conformity with Ute faith.

By the RECORDER:

Question. State your name, rank, if you have any, and what tribe you belong to.—Answer. My name is Charley, and I am captain of the Tabequache Utes.

Q. What is your Indian name?—A. Oh-cap-pa-ru-quatch.

Q. Have you lately been to the White River Agency?—A. In the agency I was not.

Q. Were you in that neighborhood?—A. Yes, I was.

Q. Tell us in your own way what happened on your trip to White River, and what you know about the murder of Agent Meeker and the employés, and the fight with the soldiers.—A. I know nothing except about the soldiers.

Q. Then state what you know about that.—A. I understood that the soldiers were not coming to fight, and for that reason I went. When I came there, this side of Grand River, my companion's horse gave out, and there we got a fresh horse. We did all we possibly could to reach there, but we were behind on account of the horse giving out. We arrived there a little after midday. On arriving at the top of the gap we looked down and saw an Indian camp. When we first saw the camp the houses were standing, but as we went through a depression to reach them, where we could not see them, upon arriving at another rise we did not see the camp. They were gone when we arrived at the camp. We staid there a little while—not a long time—and they told us that the soldiers had already fought. Thence we returned, as the business upon which we had gone was already useless.

Chief OURAY. The business upon which they went was to advise the Indians not to fight.

By General HATCH:

Q. What orders did you go there on?

Chief OURAY. They being captains went of their own will, and before they started they sent a message to me telling me they were going. They sent me a message before starting, saying they had heard that the Indians and soldiers were upon the eve of meeting and would fight, and they were going to see if they could not stop it.

By the RECORDER:

Q. Did you see the White River Utes who were in front of the soldiers?—A. There were some there who I believe had been fighting.

Q. Do you know by name any of the White River Utes who were engaged in the fight against Thornburgh?—A. I called at Jack's camp, but he was not there. By that I thought he was in the fight. I did not see him, but he was not at his camp.

Q. Can you name any Indian, White River or Uncompahgre, who was present at the killing of Agent Meeker?—A. When I left there, Meeker perhaps was not dead.

Q. Do you know what Utes were at the agency when you returned?—A. No.

By General ADAMS:

Q. At what time of the day did you arrive at Jack's camp, and at what time did you leave?—A. I arrived some little time before midday and left there a little after midday.

By the RECORDER:

Q. When you were at Jack's camp you say Jack was not there. Were there many of the other Indian men absent?—A. It seemed to me that there were a great many men there, but they were not all there.

Q. Who told you that the soldiers and Utes had fought?—A. I did not know him.

Q. Was he a White River Ute?—A. I believe he was a White River Ute, but I did not know him.

LOS PIÑOS AGENCY, COLO.,
November 24, 1879—10 o'clock a. m.

The Commission met pursuant to adjournment.

Present: Bvt. Maj. Gen. Edward Hatch, U. S. A.; General Charles Adams, of Colorado; Chief Ouray, of the Ute Nation; First Lieut. Gustavus Valois, Ninth Cavalry, recorded and legal adviser.

Minutes of last meeting read and approved.

Chief Ouray then stated that the White River Utes, including Captain Jack, were on their way to the agency. There being no witnesses present for examination, the Commission adjourned until 10 o'clock a. m., the 25th instant.

LOS PINOS AGENCY, COLO.,
November 25, 1879—10 o'clock a. m.

The Commission met pursuant to adjournment.

Present: Bvt. Maj. Gen. Edward Hatch, U. S. A.; General Charles Adams, of Colorado; First Lieut. Gustavus Valois, Ninth Cavalry, recorder and legal adviser.

Absent, Chief Ouray, of the Ute Nation.

Minutes of last meeting read and approved.

There being no witnesses present for examination, or other business to transact, the Commission, at 10.30 a. m., adjourned until 10 a. m., 26th instant.

LOS PINOS AGENCY, COLO.,
November 26, 1879—10 a. m.

The Commission met pursuant to adjournment.

Present: Bvt. Maj. Gen. Edward Hatch, U. S. A.; General Charles Adams, of Colorado; Chief Ouray, of the Ute Nation; First Lieut. Gustavus Valois, Ninth Cavalry, recorder and legal adviser.

Minutes of last meeting read and approved.

Chief Ouray then made the following statement:

"Last night a runner from Douglas's camp arrived at my house with the following news: A runner from the Uintah Utes had arrived at Douglas's camp with the information that troops were advancing on the Uintah Agency, for the purpose of arresting such Uintah Indians—including one particular Indian, who, during Thornburgh's fight, rode a white horse—as were engaged in the agency troubles or the fight with the soldiers. Also, that all Uintah Indians have left their reservation, and are moving towards the junction of Bear and White Rivers, and towards Douglas's camp.

"Douglas, three days ago, sent a runner to the Uintahs to inquire into this trouble. The White River Utes will come in to see the Commission after the Uintah troubles are settled, but will not come until such is done. Jack has sent me word that he will come with the rest."

The Commission then directed the discharge of the stenographer, and at 12.30 p. m. adjourned to meet at 10 a. m., 27th instant.

LOS PINOS AGENCY, COLO.,
November 27, 1879—10 a. m.

The Commission met pursuant to adjournment.

Present: Bvt. Maj. Gen. Edward Hatch, U. S. A.; General Chas. Adams, of Colorado; Chief Ouray, of the Ute Nation; First Lieut. Gustavus Valois, Ninth Cavalry, recorder and legal adviser.

Minutes of last meeting read and approved.

There being no witnesses present, the Commissiou adjourned to meet at 10 a. m., the 28th instant.

LOS PINOS AGENCY, COLO.,
November 28, 1879—10 a. m.

The Commission met pursuant to adjournment.

Present: Bvt. Maj. Gen. Edward Hatch, U. S. A.; General Chas. Adams, of Colorado; Chief Ouray, of the Ute Nation; First Lieut. Gustavus Valois, Ninth Cavalry, recorder and legal adviser.

Minutes of last meeting read and approved.

There being no witnesses present the Commission adjourned to meet at 10 a. m., the 29th instant.

LOS PINOS AGENCY, COLO.,
November 29, 1879—3 p. m.

Commission met pursuant to adjournment.

Present: Bvt. Maj. Gen. Edward Hatch, U. S. A.; General Charles Adams, of Colorado; Chief Ouray, of the Ute Nation; First Lieut. Gustavus Valois, Ninth Cavalry, recorder and legal adviser.

Minutes of last meeting read and approved.

Chief Ouray then brought before the Commission ten Indians, named as follows: Yamanatz, Henry Jim, Sow-er-wick, Aca-pi-cit, and Spears, of the White River Utes; Benao, a Piute; Acca-ma-wick, a Muacha; and two Uncompahgre Utes.

Henry Jim, a White River Ute, and former interpreter for Agent Meeker, then testified as follows. (Appendix N.)

At 5 o'clock p. m. the Commission adjourned to meet at 10 a. m., the 1st December, 1879.

APPENDIX N.

Testimony of Henry Jim, a White River Ute, former interpreter for Agent Meeker, November 29, 1879.

LOS PINOS, *November* 29, 1879—3 p. m.

Testimony of HENRY JIM, a White River Ute.

By General HATCH:

Question. Do any of you know who is to blame for the trouble at the White River Agency and the fight with the troops?—Answer. I know but very little about the agency. I was never mad with the agent myself. I say this because I saw many things the agent did against us.

Q. State what the agent did against the Indians.—A. The first I knew of the trouble, the agent told me that one of the employés was shot by an Indian in the head. As far as I could learn some Indians were shooting at a mark, and the ball went over and struck the employé by accident. I told the agent that they had been shooting at a mark, but he said it was not true; I told him he was mistaken, that I could show him where they were firing at the mark, but he repeated it was not so, and I know he felt very mad at this. I told the agent he should not get mad about it, but he said he was much grieved about it, but I told him I believed that the man who was plowing had told him more than the truth about it.

About the trouble of Johnson with the agent I know nothing. After this I heard from the agent that he had received notice from the department that he should give nothing to any Uncompahgre Ute who

might come there, not even a thread. Thereafter when Uncompahgre Utes came there they asked him to give them rations; several captains asked him, but he always refused, telling them he had nothing whatever to do with them, and only to obey his orders.

The captains told the agent that they understood that when a Ute passed from one agency to another he should be fed; but he, the agent, told them it was not so; that all he had to do was with the Utes of his agency as long as they staid there; although it had always been the custom.

The agent told them that he was the man who had the most influence at Washington; that neither the Indian agents at Uncompahgre or Uintah, nor the governor of Colorado had any influence, nor had any other American. This was said, perhaps, because some Americans had been talking to the Indians.

Whenever Americans spoke to the agent in favor of the Indians he paid no attention to them. Whenever any one spoke to the agent about any injustice being done to the Indians, he never paid any attention, but would go into his house. Jack's people, even if they were sitting in the circle, he would pick them out and give them nothing—this with few exceptions.

I was sent with a paper from the agent, with one of the employés, to meet the soldiers. When I left the agency I went to a house—a store—I don't know the name of the owner, and there we had dinner and heard that the soldiers were advancing. When we arrived at Williams Fork, there we met the troops in the night, and we delivered our dispatch. The officer said that he wanted to talk with me, but I told him that the dispatch would tell him all that I had to say. The officer, when he had read the dispatch, said he could not stay where he was, but asked me if I knew any place where there was good pasture for a camp. Then the officer said that he had orders to go on to White River; that he had heard a great deal about Ute troubles at the agency at White River, and that he must go there and see for himself. I started on my return the same night with a letter written by the officer, and, upon leaving, the officer said he did not know exactly what to do, as he had orders to go on to White River, but the agent had now sent for him to halt his troops, and come on with five or six officers to the agency; that he was waiting for other troops who were coming on in the rear.

Before I left, the officer also told me that there had been complaint made to the government by one Thompson, who complained that the Utes had burned his house; also complaints had been made that the Indians had been burning the woods, and that other Indians had been behaving badly at White River, and for that reason he did not know when he would return from White River, or whether he would return to his station or not. I did not know how many civil officers were with the troops, but the officer told me that they brought with them civil officers (alguaziles) to take in arrest such Indians as had been committing depredations.

When I left there and was returning across the hills to the agency my horse gave out. When my horse gave out I handed the letter to a companion; the American staid at the soldiers' camp, very tired. I expect the man to whom I gave the letter took it to the agency.

By the RECORDER:

Q. Do you know the name of the companion to whom you gave the letter?—A. Mus-an-ah-watch. When my horse gave out I went to the old agency, where there was a Ute camp. I never went to the agency

again after I left it with dispatches. After the fighting had commenced with the soldiers I went with Brady. When I went from camp at White River with Brady we had no conversation. He did not talk to me, either going or returning. When the fighting took place I was in camp.

By General HATCH:

Q. Who fired the first shot, soldiers or Indians?—A. I did not see it.

Q. When you arrived at the Indian camp had you any talk with the Indians in regard to what Thornburgh said?—A. I did not arrive at the Indian camp until the next day, when I talked about it to them.

Q. What was the opinion of the Indians regarding what the officer had said?—A. I did not hear them say anything about it. While I was in the camp I saw people leave in the direction of the soldiers, also heard them say that they were going there; I remained in camp.

Q. Is that the same camp to which Wash and Charley came?—A. I understood that Wash had arrived at a camp south of the one I was at.

Q. Who was the captain of the camp he was in?—A. It was Colorado's camp.

By the RECORDER:

Q. Do you know any of the Indians who went away from camp in the direction of the soldiers?—A. No, I do not know any.

By Chief OURAY:

Q. Did you not see Jack?—A. No, but I believe he was there at the head of all.

LOS PINOS AGENCY COLO.,
December 1, 1879—1 o'clock p. m.

Commission met pursuant to adjournment.

Present: Bvt. Maj. Gen. Edward Hatch, U. S. A.; General Chas. Adams, of Colorado; Chief Ouray, of the Ute Nation; First Lieut. Gustavus Valois, Ninth Cavalry, recorder and legal adviser.

Minutes of last meeting read and approved.

Chief Ouray then brought a party of White River Utes before the Commission, among them Chief Colorado, who testified as follows: (Appendix O.)

At 5 o'clock p. m. Commission adjourned to meet at 10 a. m., the 2d instant.

APPENDIX O.

Testimony of Colorado, chief of the White River Utes, December 1, 1879

DECEMBER 1, 1879.

Testimony of COLORADO, of the White River Utes.

By General HATCH:

Question. We have come here to find out what we can as to the causes and to whom the blame should be attached for the troubles at White River Agency, as also the circumstances connected with the fight with the troops. We are here to do justice to both Indians and white men, and I want you to tell me all you know about it, so that I may be able to determine who are the guilty parties.

Chief Colorado of the White River Utes, answering, said:

Answer. I do not know how this thing came about. You all ought to know better than I the reason he (Agent Meeker) asked for troops to come to the agency. What is the reason and why did the soldiers come there?

Q. Agent Meeker is dead, and cannot tell; therefore I want you to tell for what reason he asked for troops.—A. I know nothing about the agency troubles at all. I understand about Jack.

By the RECORDER:

Q. Last summer I was at White River with a company of cavalry. I sent a note to the agent about rations I needed, an answer to which was brought, so I understood, by a son of Douglas and another Indian. They did not commence fighting with me, though I was on the reservation with a company of soldiers. Why did they fight Thornburgh? There must be a cause for it, and we want to know it.—A. I never had much to say to the Indian agent. I never staid there much. I did see and spoke to the officer who was killed, and of that I can speak.

By General ADAMS:

Q. Let him go on and tell what he knows about that.—A. When I first heard of the officer being in the country with his troops, I had a great desire to see him and to speak with him, and I went to meet him after several others had gone. Sow-er-wick had already been there when I went. At the time Henry Jim took the dispatches I went with him. We arrived there in the night. I came up to where the officer was, shook hands with him, and saluted. There was an American with us also. I did not understand what place the officer was from, or from what fort, but he said it was toward the north.

The officer told us that while at his station a notice came to him, but he did not know exactly the truth of the rumor, but perhaps we knew; that he would, however, find out from the letter we brought. Then the officer said that he had information of something having happened; by this we thought he knew and could tell us what the trouble was, and we wondered what he had been informed of. He told us he had received a telegraphic dispatch, by reason of which he had come. That he had received this notice, and he believed that everybody in the State knew about the business as well as he did.

The officer then said to me that he could not tell what might happen, but that he had his orders, and that he also had an order from the Commissioner. He also informed us that he had left two companies of infantry behind. The officer then asked me whether I had anything to tell him. I told him yes, I had. That I thought there was no risk, and nothing on account of which he should take notice of these reports, and that there was no trouble.

The officer then said, "I cannot stop until I come to the agency, as my orders are to go there." I informed the officer that there was plenty of water and grass where he was, and I thought it would be well to halt his troops there and proceed with four or five others to the agency. The officer answered me no, he must go on with his troops no matter what might happen, and he could not stop; that his orders were to go to White River. I told him I did not know at all why the troops had come, or why there should be war.

Another officer, the tallest one there, then remarked that what I had said was right; that he agreed with what I had said. Then the major said that this officer had no business to say anything about it, and that he was informed that the Indians had burnt the woods and pastures

and committed many depredations, and he must go on; and that he had many civil officers with him, and that they would see if they could not take the bad Indians who had been doing this. I then repeated to him that it were better that he should go with four or five others, as I had said before.

Then there was a white-bearded man, I think he was an officer, who said it was his business to go about settling disturbances.

I said from what information I had it did not appear to me that this thing was right; the officer answered me that it made no difference to him what I thought about it, he should advance under his orders to the agency. The officer then asked me if I was going on or was going to sleep there. I told him I must go. He said it would be well for some of us to stay there, but of the rest none of them cared to stay. We then left, and by daylight had arrived at the coal mine, close by Milk River; and about nine o'clock in the morning I arrived at my camp. I went to my lodge and took breakfast. Before I arrived the people were already very much excited. I saw several start out in the direction towards the road where the soldiers were; afterwards I left also and came up to where the first ones who went out had gathered. Jack was not there, he was in his camp at this time. I went there late and remained until past nightfall in the gap. I don't know what orders Jack had received, but I saw him pass with another who had the dispatches.

Jack came over to where the Indians were, and the dispatch bearer went on along the road towards the soldiers. Jack told us when he came up there that he had told the agent that the White River Utes did not wish to fight, and he believed that to be the message which the dispatch bearer was carrying to the soldiers. Jack also said he had told the agent that he did not like the reports he understood had been sent off by him (Meeker). That for his part he did not know where this revolution had been started; he had heard nothing of it, neither on White River, or from Ouray, or any other of the captains, or from the Monaches; and could not see what reason there was for calling for troops. He had said to Meeker, also, that he understood the white men and Indians both to be of one kind and all brothers; and he wished to know where was the justice shown in bringing the troops upon them under frivolous pretenses, and that he had asked Meeker to tell him the reason or cause for which he had sent for the troops, as he understood from all grades of officers that what the government wanted was peace.

Jack then said to the assembled Indians that they would soon see the soldiers, and then they would find out what the trouble was; but until Jack had spoken with the Indians it seemed to me they were ignorant of what was happening.

I then told Jack I thought it would be well for him to advise the young men not to make any warlike demonstrations at all, and he said it would be better to move them a piece off from the road. As yet we saw no soldiers from where we were, and we retired some distance from the road. Jack then said that when the soldiers should have arrived at Milk River (the line of the reservation) he would go down and see them.

We saw no people on the road, neither soldiers nor others, but we believed that they saw us, as the Indians were not hiding. A little while after we saw the dust rise, and when we looked out we saw the troops coming at a hard gallop, not formed in close order; they did not hold up at all, but came on as though making a charge.

On the other side of the gap, as the soldiers were coming on at a gallop, some of the Indians went down off the hill into the road, upon seeing which the troops at once halted and deployed. At this time Jack

made a speech somewhat as follows: "You now see what you have brought upon yourselves by not attending to my advice; I have always told you to live in peace, and quietly; but now no one can tell what may happen."

Jack had no time to say more, when both Indians and soldiers were formed, one fronting the other. What I have seen I will tell you, whether for or against my people; I will not lie.

The line was long, when from away down the line the firing commenced. The soldiers fired a volley along the line, but the Indians held their fire until after the first volley. The distance between the line of troops and the Indians, when the firing commenced, was about five hundred yards. It did not last long; there was no time to do much fighting.

After the soldiers had gone I crossed a little creek that comes down to the gap, and ascended a hill to see what would occur. The soldiers had by this time reached the river. By the time the soldiers had retreated to their train the Indians were all in the hills, as they were afraid to stand an attack on the plains. I was told, but did not see it myself, although I saw the smoke, that the soldiers had set fire to the grass around them, and in a little while I heard a loud report, such as would be made by the explosion of many cartridges.

At this time I returned to my camp, and while there heard that a runner was coming from this agency (Los Pinos) with orders from Chief Ouray to stop fighting; and on hearing this I returned to where the soldiers were. Upon my arrival there I told the Indians of what I had heard of the messenger coming to stop the fighting, and on the morning of the day I arrived the soldiers, who, I suppose, knew nothing of these orders, were still firing on the Indians, who did not return the fire—waiting for the arrival of the messenger. Upon his arrival many said that it was very much like a fight between two drunken men, who, when some one came and parted them, found they had been fighting for nothing but foolishness.

Now, General Adams has been an agent of ours, and is at this time an officer of the United States. General Hatch is also a high officer of the United States. You, Ouray, also are an officer over us, sent to settle this trouble, and to part us who have foolishly and criminally gone to fighting; and I ask you all what more shall we do?

General HATCH. Before answering your question we want other information; we wish to know how many Indians were killed.

Colorado then gave the following names of killed and missing:

Killed.—Tah-titz, Wah-cha-pe-gatz, Chu-ca-watz, Uah-pa-chatz, Catol-seu, Cat-su-atz, Wa-wa-gutz, Tet-putz-sin-iah, Yan-cap, Pa-ger, Wapa-qua, Pou-shun-lo, Sou-ie-er-atz, Tu-rah, Pah-wintz, Tu-wu-ick, Pohneh-atz.

Missing.—Pou-witz, Pat-soock.

By General HATCH:

Q. Who took Mrs. Price prisoner?—A. Ahu-tu-pu-wit.

Q. Were there any Mouaches present with you?—A. No.

By General ADAMS:

Q. Were there any Uncompahgre Utes there?—A. Cojoe and Yanko were there.

By General HATCH:

Q. Were there any Mormons in your camp before or since the trouble?—A. No.

Q. Have they sent you any word offering you assistance?—A. I only

understand what I hear from others. General Adams also saw the two Mormons that I saw when he was in the camp. It is a current report that they have offered ammunition and arms to us, but I have not heard them say so myself; that is all I know of the matter.

Q. Do you know that the agent refused Jack and his people rations?—A. He never gave them any rations that I know of.

Q. Did he ever issue them any goods?—A. The agent had made the women ashamed to come by his repeated refusal to give them anything. When Adams was agent no one was shamed by refusals. It is a shame for a man who has anything to send his women to ask where they will be refused.

Q. What is your opinion; would there have been any fight if the troops had taken the main road?—A. If they had gone the main road I think there would have been a great difference in the way it turned out. Jack would have then been able to have met and talked with them as he intended to do. I think there would have been no fight.

Q. What is the Indian name by which Antelope is known?—A. Wausitz.

LOS PINOS AGENCY, COLO.,
December 2, 1879—10 o'clock a. m.

The Commission met pursuant to adjournment.

Present: Bvt. Maj. Gen. Edward Hatch, U. S. A.; General Charles Adams, of Colorado; Chief Ouray, of the Ute Nation; First Lieut. Gustavus Valois, Ninth Cavalry, recorder and legal adviser.

Minutes of last meeting read and approved.

There being no business before the Commission, at 11 o'clock a. m. it adjourned to meet at 10 o'clock a. m., the 3d instant.

LOS PINOS AGENCY, COLO.,
December 3, 1879—12 o'clock m.

The Commission met pursuant to adjournment.

Present: Bvt. Maj. Gen. Edward Hatch, U. S. A.; General Charles Adams, of Colorado; Chief Ouray, of the Ute Nation; First Lieut. Gustavus Valois, Ninth Cavalry, recorder and legal adviser.

Minutes of last meeting read and approved.

The following White River Utes were then presented by Chief Ouray to the Commission, viz: Jack, Colorado, Pete, Ishara, and Sow-er-wick, and Wash and Yanko of the Uncompahgre Utes.

Jack then testified as follows. (Appendix P.)

At 5 o'clock p. m. the Commission adjourned to meet at 10 o'clock a. m., December 4, 1879.

LOS PINOS AGENCY, COLO.,
December 4, 1879—10 o'clock a. m.

The Commission met pursuant to adjournment.

Present: Bvt. Maj. Gen. Edward Hatch, U. S. A.; General Charles Adams, of Colorado; Chief Ouray, of the Ute Nation; First Lieut. Gustavus Valois, Ninth Cavalry, recorder and legal adviser.

Minutes of last meeting read and approved.

Captain Jack was recalled and examination of yesterday continued. (Appendix P.)

The examination of Indian witnesses here closed. The room was then cleared and closed.

Article 6 of the treaty of 1868 was then read and translated to Chief Ouray.

After speeches by Generals Hatch and Adams and Chief Ouray, and due deliberation, the Commission demanded the surrender of the guilty parties, and directed that Chief Ouray explain the demand of the government to the chiefs present at his house, and report at the next meeting.

At 5 o'clock p. m. the Commission adjourned to meet at 10 a. m., December 5, 1879.

APPENDIX P.

Testimony of Captain Jack, of the White River Utes, December 3 and 4, 1879.

By General HATCH:

Question. I want Jack to tell his story; how the agent treated him, and all about the troubles at White River.—Answer. One time I was on Bear River; I had returned from a buffalo hunt; this was the first time I knew anything of Meeker. I heard at this time that the agent wished to move Sow-er-wick's house from the old agency, where he lived, down to the new agency; Sow-er-wick did not wish it moved. It was then that I was called for by Sow-er-wick; the latter sent me word that the agent wished him to move before I could get there, but that he did not wish to move, and wanted me to come to talk to the agent so that he might stay there where he was. Then I came, and when I arrived at the old agency I found nothing left standing except Sow-er-wick's house; the agent had taken down and moved everything else. On arriving at the old agency I there met the agent, who had come up from below; he told me that we must all move down to the new site, and I answered him, "You had better wait a little before doing this, as we want to understand the reason for moving; I don't understand it." I told him that the site of the old agency had been settled by treaty, and that I knew no law or treaty that made mention of the new site. Then the agent told me that we had better all move down below, and that if we did not we should be obliged to; that for that they had soldiers. I told the agent that here was the agency as under the treaty, that we had had agents here before him, among others General Adams, who were all satisfied with the old site, and that there we should stay. He said that the place he had moved to, as the new site for the agency, was a better place for farming; that as Adams was a man who knew nothing about farming he had placed the agency where they could no nothing of that kind, but that he, Meeker, being a practical farmer, had moved it to where something could be done. Then I repeated to the Indian agent what I said before, and then told him that it would be well if he farmed the piece below the agency; that I had a great many animals, and wished my horses to be pastured where we had always done so, which was down on the land around the lower agency. The agent said, "All right; we will go and see what place you like."

We went down, and I showed him the place, and he said that was all

right; that he would fence a place for myself and Sow-er-wick, so that Sow-er-wick could also move his house.

The agent then said that in a little while the Commissioner of Indian Affairs would send wagons for the Indians, so that they would have wagons of their own in which to haul poles and do their farming with. A little before the end of the month the wagons arrived. The man who brought the wagons came to my house and told me that he was the man who had brought wagons to the agent, to be turned over to the Indians. I then left for the agency. The agent told me that the wagons were already there, and took me over to the house to see the wagons. Then the agent said to me that he did not like these wagons; that they were painted red, and that he knew the things that were painted red were no good, and that the Commissioner did not understand his business when he sent them. He also said the wagons were large and heavy, and that the Indian horses were small, so that being heavy and painted red color they were not fit for the Indians, but that he had a wagon that was painted green which he would give us. He then went back on his word again, and told us we could have the green wagon for a month, use it, and return it.

The great trouble with the agent was that he would tell one story one day and another the next, so that we did not know how to take him or when to believe him.

Sow-er-wick used the wagon for a month and took it back to the agent. At this time an employé came from the agency to my house and called me to see the agent, who wanted to talk to me. When I went to see him he told me that he wanted to go home to his house at Greeley. He also told me that he had received information that some Indians had set fire to houses, and that he had received notice that some soldiers were coming to where we were. He said, not only one but several houses had been burned by the Indians. I then told the agent I thought we had better, he and I, go and see these houses that had been burned, that we might understand something about it. He answered me that it was none of his business to talk about these things, and I asked him how that could be, as he, being Indian agent, he was the man who should regulate such matters. He said the Utes were very bad men and that they should get out the best way they could; that he had no business to be worrying himself in talking for them. I then said, "How is this? It is not well for you to talk in this way. If you take it in hand and show how it is, all would be right." The agent said, "I am not going to talk about that; I am going home." I told the agent he had better do or say something about this, and then he could go away; but he said it was the business of the Commissioner, and he (Meeker) would have nothing to do with it. I told him he was the man placed there by the Commissioner to look after and speak about these things. He then said to-morrow he should leave.

On the second day after this the agent left, and two days afterward I went on a trip to Bear River. While there, I came to the house of a friend, a white man (Peck), who asked me what news there was from my agency. I told him I knew of none, and he asked me, "How about this notice here from your agent," showing me a written paper. I asked him to let me see the notice. He told me, "This letter says that the Indians wish to fight." I told him that perhaps he understood a good deal in Ute, and could understand what they said. The man answered that it was not the first letter that had been sent out this way; that ever since spring letters and notices had been sent out. The man (Peck) then told me that it would be a good idea for he and I to go to Denver

and see Governor Pitkin, who could advise us regarding these matters. On the road Peck told me about the house that was burned; and I told him we had better, in passing, take a look at the place, which was Thompson's house. We passed by there, and we saw Thompson's house standing; it was not burned.

On arriving at Middle Park we found the same reports that I had heard at Bear River, and we were told of notices having been distributed the same as at Bear River. I then told Peck we better hurry up and get to Denver to see how things were working there. In two days we were in Denver. Upon arriving I was very anxious to see the governor before going anywhere else. Several men told me they could not bring me to where the governor was, but that it took men of influence to do so; and some told me that Mr. Byers, of Middle Park, could take me to the governor.

I went to Byers, and with him we went to the governor. The governor asked me how things were in my country, on White River, saying that the papers were saying a great deal about us. I told him I thought so myself, and for that reason I had come to Denver. I said I did not understand why this business was in such a state. Then the governor said that he was not saying this to be talking; that here was a letter, and he showed me the letter. I told the governor I was very much astonished at all this; that I was always wishing and striving for peace; and was much surprised at what was going on. He then said, "Here is a letter from your Indian agent." I told him that, as the Indian agent could write, he had written that letter; but that I, not being able to write, had come to see him in person and answer it. That much we talked; and then I told him I did not wish him to believe what was written in that letter. I then returned and went to Goff's house, and while there, I was very tired and resting with my head in my hand, when Thompson entered.

Thompson asked me, "What are you doing; are you mad, or why are you sitting in that way?" Then I said: "Sit down," and he sat down beside me; he then told me that he had always been a good friend of the Indians, and when he was agent, a friend of mine, but that he understood that I was angry, and wanted to know what for. He then told me that he had some papers from the Commissioner stating that the Indians were not doing well, at the same time pulling a paper from his pocket to show me. I answered, "As I cannot understand those papers, it is useless showing me—you may just as well put them up." This is all I had to say to Thompson.

Afterwards I was in the governor's office again, and he asked me if it was true that Thompson's house was burned. I told him that I had seen the house—that it was not burned. I then talked to the governor about the Indian agent, and told him it would be well for him to write to Washington and recommend that some other agent be put in his place, and he promised to write the next day. After leaving Denver, when I arrived in Middle Park I met some soldiers. The officer asked me how things were going on at White River; that he had heard that there was trouble there. I told him, as far as I knew, everything was quiet; the soldiers were colored. I told him what he had heard were lies. He pulled out a paper and showed me, saying that it was information received from the agent regarding the trouble. He told me that what I had told him was all right, that he believed it. He told me there was no use his going any further towards White River. I then passed on and came to White River. When I arrived, the Indian agent was again at the agency. The day after I arrived I went down to the agency, and

the agent received me by asking me what business I had running around, and what business took me to Denver. I informed him that I had seen papers in which he had given information about things that were not happening. He answered, "Is it your business to go around finding out what I have written?" Then I told the agent that it was not right that he should be always talking that way; that he was an Indian agent and should not talk roughly to his Indians, and it would be better for him to keep quiet. At that time he did not answer me, but a little while after, while I was still seated, he told me that these were orders from the Commissioner. I then went back to my camp, and an American employé came to call me again. I found I was called on account of the business regarding the plowing of the land where the houses stood; that I should have the houses moved further down. The houses were fenced in, corrals were built there, and yet he wanted them moved. So he told me that all that site which he had given to the Utes for their houses, he now wanted for himself for the agency. At this time some of the Indians left the place. Then I went back to my camp.

By the RECORDER:

Q. Were any of the men excited at that time about the agency?—A. No, not yet. They asked to what part he wished to move them, and he told them above and below. The next day he sent another employé to call me, and I again went. On my arrival, the agent told me that a shot had been fired at one of the employés, which went very near him. I then asked Henry Jim if that was true, and Henry Jim said, "Tahtitz was firing at a mark." I told the agent that they said they were firing at a mark, and he said, no; that they were threatening by firing. I told him to not get angry about this; to let it pass by. I told him that he was an employé of the government, and that his business was to keep the peace. I told him he was getting old, and consequently got mad quickly. Then I left.

After I had returned to my camp, they again called me, saying that a notice had been received from the Commissioner. I went down to the agent, and he met me, saying, "Here is a notice I have received from the Commissioner of Indian Affairs." He told me this was an order from the Commissioner that in case any Indians came, Uintah or Uncompahgre, that he should not issue them anything. I told him he had better make a copy of it and send down to Ouray, so the latter could see it and tell us of it, and we then might believe it. He told me that he expected that there was another order like this at the Uncompahgre Agency. I told him that I knew that many others—Weeminuches and others—had gone to the Uncompahgre Agency, and had received coats, blankets, or whatever else there was for issue. I told him the way they managed things at the Uncompahgre Agency appeared to me to be about right, and that he had better do likewise. The agent answered that the agent at Uncompahgre paid no attention to this order from the Commissioner if he issued clothing to other Utes than to those of his own agency. He then said that he would tell me the whole truth of it, which was, that if we wished him to give rations to the whole Ute Nation, he thought it best not to issue any; that such was the order of the Commissioner; that if they did not choose to have him do as he was ordered, and wished him to give rations to all the Utes who came, that he would force them to obey orders by bringing the soldiers there. I told him that I stood in the light of a son to him, and for that reason had to come to advise with him, but I could not see why he should talk about bringing the soldiers here to enforce orders. "Any-

how, your tongue does not amount to anything," says the agent. "You don't know how to write, and I do; what you say amounts to nothing." The agent continuing, "The words you say don't go very far; my papers and what I say travels far and wide." I then asked him, "Why, then, do you send for me and get me to talk to you if it amounts to nothing except to have me abused in this manner?" I said, "I suppose you think you have beaten me now with those words that you have spoken." I told him that for my part the poorest and lowest American in the country would make a better agent, so far as I was concerned, than he did. I asked him if he would not take back what he had said; that he had talked very badly, and in a way to cause trouble; and that we did not wish to have any trouble with our American neighbors on Bear River and elsewhere, and I hoped he would think better of what he had said. I told him I thought it would be better if he talked in some other way in this matter. He said, "You can stay there and talk," and walked off. I then went to my camp.

I told my people in camp that I was afraid there would be some difficulty, as the way the agent talked appeared to me as though he intended to cause trouble. They then came and called me again; the agent told me he had called me about the ration business. He told me he had received another letter from the Commissioner, and that it contained an order that they should all move down from where their camp was to the new agency, and that I (Jack) should come to the agency, and the others a little below. He said that the Indians were talking a great deal and he wanted to have them near him. I then asked the Indians what they had been talking about that made the agent complain of their talk. They told me that the agent had said the Indians had stolen jackets, blankets, and other things, and that they had repeated that he had said so. I then told the agent I wished he would show me the holes, or by what other way the Indians had entered the warehouse and taken out these things. The agent then took me into the ware-room, and, pointing upwards, said: "The blankets were hanging to those rafters, but you see they are not hanging there now," and that he thought they had a false key to the ware-room.

I then went among the Utes, who were sitting around smoking, and inquired who had a key among them; that the agent had said that some Indians had a key which fitted the store-room door, and that they had stolen goods from there. Some of the Indians told me that the agent had complained that they were too much around the agency buildings; that they were always lying around the agency, and that nothing could be left out that they did not pick up. I then asked the agent why he wished to send the Indians away; that it was only a short time since he had ordered them to come and stay there, saying that he wanted to have them around him, and now he complained they were too near.

Then I went to my camp, and an Indian arrived from the Uncompahgre Agency, who brought a small paper. The agent from here (Los Pinos) had given him this paper, and told him to take it to Agent Meeker and have him read it. We took the paper, and I with many others went to the agency with it. I delivered the letter to the agent; he looked at it, turned it over, and threw it down on the table. I then said to him: "Well, what does it say?" He replied, "It does not amount to anything." I said, "Never mind whether it amounts to anything or not; we like to know what it is." He said that "it did not amount to anything, that he (Stanley) had no influence with the Commissioner, neither has the governor. O, Jack! you are all the time asking something"; and then he started off. Then I went back to my

camp. I then thought it best for me to go to Fort Steele, as I could not forget what the agent had said about my trip to Denver. I told my squaw she had better go and buy sugar for the camp; and then we started out for Bear River. I arrived there the same day. While we were at the store buying sugar, one of us went out to water the horses, and turning the corner saw two soldiers coming. The woman belonging to the store then came out with her child in her arms. It was then I knew that one of them was a sheriff, from Snake River, and the other a soldier. The woman of the store then burst out crying, but the civilian said, "You need not have any fear." The woman was Peck's wife.

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I then asked them where they were camped. They told me about two miles above. They told me I better go to see the commanding officer. I told them all right, I go. I told them to go on ahead, and I would follow. They went on ahead, and I followed and caught up with them just as they reached camp. We arrived there almost together. I told the others that perhaps the officer knew what brought him there, and would probably tell me. We went over to the commanding officer's tent, and he offered us tobacco, and asked us to smoke. Then the officer told me he wanted to talk to me about the business that had brought him there and what he had heard while at his station. I then asked him from whence had come the news he had? He replied: "From the mouth of the agent—your agent." I told him then I wished him to tell me what he knew, and not to deceive me as to what he heard. The officer said he would tell me; that he understood the Indians wished to go on the war-path. I told him that I thought the agent did not understand Ute, therefore it must be a lie, as he could not tell what the Utes said. I told him except he had an interpreter there was no other way by which he could know if such was the case. I asked him if he did not know the bad Indians at the agency. He answered me that they were all bad. He said that all the men, women, and children were bad. I told him the women and children had nothing to do with these things, nor ever spoke about war or going to war. I then told him he had started out on account of things that were not true; that now I was there and could talk to him. He answered that he had started in the war under what he had heard, and that he had received a notice that the Indians had the agent besieged. I told him that the agent himself had ordered the Indians to stay around him, and that was all the besieging I knew anything about. I told him heretofore the agents had always allowed the Indians some range, but that now they wanted to collect them around them, and then complained that they were besieged by them, and that the Indians could not understand what kind of a statement the agent wanted to bring up against them by first telling them to stay around him, and then complaining that they had him fenced in. I told them that I never expected to see the soldiers here. I told him we were all under one government, Indians and soldiers, and that the government at Washington ordered us both; that we were brothers, and why had they come? We had always been friends and used one another well, and what had been settled by government had not yet been abolished; that everything was yet peaceable.

A soldier at this time rode up. I said: "Look how lean the government horses are; they go backward and forward carrying lies." I said it would not make so much difference the horses getting in such bad condition if they were only ridden in a good cause. I told them that I had been a great friend of and traveled considerably with General Crook, and that I did not like to see the soldiers come in on my land.

The officer told me he had received two telegrams, and for that reason he had put himself *en route*. I told him I knew of no difficulty having occurred at the agency. Nothing like any body being killed or hurt, nothing of that kind whatsoever.

The officer told me, at all times even brothers by blood fought and quarreled, and that it made no difference. I told him, "but when they were good brothers both of them would give way." I told him I thought Ouray would not want the two brothers to fight, and I think so too, and that by good kind talking blood never would be shed in this country, and that all could be settled by peaceable talk. He told me that he supposed what I said was all right; but under his orders he could not pay attention to what I told him. I asked him then to tell me how many men he had found killed on the road since he left the fort. I said this out of friendship, because when all is friendly, whites as well as Indians can travel the road without fear of molestation. The officer said "that is true, I understand all that very well." I said I did not like the way things were turning out; that I did not want to have the blood of my friends upon me.

The officer then told me that the report was out that we had beaten our Indian agent, and that the poor old man was lying in bed bruised and bleeding from the beating we had given him. I told him that perhaps the spirits of the dead men had done this to the agent. That all the Utes that were alive had already left the agency and were coming towards Milk River on a hunt. The officer then said to me that he understood from the letter he had seen that the Indians had beaten the white family, the girl, the old woman, and the agent. I told the officer he had better leave his people where they were and go and see for himself whether the agent had been beaten or not.

The officer then said that where we then were was a long way from the agency, but that if he found good grass when nearer the agency he might perhaps go as I said. I then got on my horse to go, and the general asked me to wait. He then told me that he was a friend to the Indians, but in obeying his orders he might kill the Indians or they might kill him; it was all the same. I answered him that I did not think it was good that any of us should kill one another; then I left. The officer asked me, as I was leaving, if I would return the next day. That night I slept at Peck's house; but, before I left, the soldiers had already arrived there. I saw the officer again, and he told me that he was going to camp at Williams Fork. I then left and went to my camp.

The next day I went to the agency to talk with the agent about the arrival of the soldiers. I told the agent that the soldiers were coming, and that I hoped he would do something to stop their coming to the agency. He said it was none of his business; he would have nothing to do with it. I then said to the agent I would like he and I to go where the soldiers were, to meet them. The agent said I was all the time molesting him; he would not go. This he told me in his office; and after finishing speaking he got up and went into another room, and shut and locked his door. That was the last time I ever saw him.

I went from the agency in company with a man, who I think was hunting stock, towards where the soldiers were. On arriving where the Utes were assembled, near a small stream running into Milk River, the man went on towards the soldiers and I turned off to talk to the Utes. The man who went on, and who I think may have been the mail-carrier, said that he wished to see me when he returned from where the soldiers were. I did not see this man return; he might have returned the same road without my seeing him, or by some other road. I talked to the

Indians, and told them they had better retire from the road and go towards a little lake some distance from the road. I told them that I expected the soldiers would camp on Milk River, and then I would go to where they were. The soldiers came on towards Milk River, and we saw them looking out in that direction; and a little while after they came on at a gallop, and stopped awhile at Milk Creek before starting on.

After they had passed the trail I went down towards the road and told the Indians to wait awhile. I told the Indians to halt and make no demonstrations, so that I might go down to the soldiers. The Indians, as I had told them, assembled, and by the time the soldiers had come pretty near them the former deployed on one side up the mountains and down on the other. The little creek was about the center, and the troops were on one side of it along a hill without brush. When the Indians saw the troops deploy they also deployed down towards the lower end.

At this time we heard from where we were the firing commence at the lower end of the line. I called out to them, "Hold on! hold on!" and repeated it several times, but, in spite of my orders, the Indians commenced firing too. I then sat down to look at it, and then I took my pipe and, smoking, started off for camp.

The day after I arrived at my camp, I again returned to where the soldiers were. When I arrived I found the soldiers entrenched and the Indians in the hills. I staid there that day, and then again returned to my camp. At this time, while in my camp, I understood that a man was coming from Uncompahgre. I then again went to where the soldiers were. When I arrived there I had a talk with the Indians. I told them that a man was coming from Uncompahgre, and the Indians replied that that was well. Then the man arrived. No sooner had the man arrived than he gave the order to the Indians, and the greater part of them left. Some of them started to look for a white cloth. Brady, the man, took a pocket handkerchief to use, but I thought it was not large enough to be seen, so we tried to get a piece of tent cloth. I then set up a white flag, and Brady went towards the soldiers. I then saw a man on a white horse come from where the soldiers were and ride up to Brady; the latter went into the soldier's camp, but did not stay long, and soon returned to where we were. Brady then told us that the commanding officer wished some of the Utes from the Uncompahgre to go into the soldier's camp with him. They then said that there was no order by which they were told to go into the soldier's camp; that he, Brady, had the only order to go on. Then all the Indians left and went back to their camp. I have nothing more to say.

By General HATCH:

Q. How many Indians were in the fight with the soldiers at Milk River?—A. Perhaps about fifty.

Q. Were there any Uintah Indians there?—A. I think there were some there.

Q. Were there any Uncompahgre Utes there?—A. No.

Q. Muaches?—A. I did not see any.

Q. Weeminuches or Capotes?—A. At White River, Weeminuches and Capotes are hardly known.

Q. Did the Mormons at any time offer you arms, ammunition, or help?—A. I did not hear them; I gave no credit to what I have heard regarding the Mormons, because I don't believe it.

Q. I wish to know if Jack knows who killed Meeker, and the employés?—A. No, I do not. The Indians had all scattered.

LOS PINOS AGENCY, COLO.,
December 5, 1879—10 o'clock a. m.

The Commission met pursuant to adjournment.

Present: Bvt. Maj. Gen. Edward Hatch, U. S. A; General Charles Adams, of Colorado; First Lieut. Gustavus Valois, Ninth Cavalry, recorder and legal adviser.

Absent: Chief Ouray, of the Ute nation.

Minutes of last meeting read and approved.

There being no business before the Commission to transact, at 11 o'clock a. m. Commission adjourned to meet at 10 a. m., the 6th instant.

LOS PINOS AGENCY, COLO.,
December 6, 1879—10 o'clock a. m.

The Commission met pursuant to adjournment.

Present: Bvt. Maj. Gen. Edward Hatch, U. S. A; General Charles Adams, of Colorado; Chief Ouray, of the Ute Nation; First Lieut. Gustavus Valois, Ninth Cavalry, recorder and legal adviser.

Minutes of last meeting read and approved.

The following chiefs then came before the Commission: Sow-er-wick, Jack, Colorado, and other White River Utes; also Shavanah, Sapavanero, Colorado, and other Uncompahgre Utes.

Chief Ouray then addressed the assembled Indians, during which address the correspondence between Agent Meeker, Major Thornburgh, and the Commissioner of Indian Affairs was read and translated to the Indians.

General ADAMS. Chief Ouray, before the Indians give their final answer I wish to speak a few words to them, and ask you to do me the favor to translate my words to them.

Chief OURAY. All right; proceed.

General Adams then addressed the Indians as follows:

When I first came to your camp on Grand River, and after the white prisoners had been delivered to me, I sat with you and the other chiefs for a whole night in council, and you asked me whether or not there was a way by which further fighting between the whites and the Indians could be avoided. I told you that the government would demand as prisoners such of you as had been guilty of barbarous and treacherous warfare; it might be possible that the government would cease further fighting.

You heard these my words, and all of you made speeches assuring me that you wanted peace, and asked me to go to White River and stop, if possible, the further advance of the troops. I went there and sent a long telegram to Washington representing your side of the trouble, and the result has been that this Commission has come here to hear your testimony, and have such Indians turned over to the government as may be identified as having been engaged in bad work. We have been here now a month; have patiently waited from day to day and week to week for your arrival and for your explanations, and have kept away in the meanwhile the troops from your reservation, hoping and expecting that this trouble could be settled without war. Some of you have come here and have told a straight-forward story, and we are well informed as to the causes of the trouble from your standpoint, and have heard all the particulars of the fight with the soldiers; and while I think that if the chiefs had exerted their influence better the fight and the subsequent murders might have

been averted, still I consider this part more the action of a lot of crazy and hot-headed young men than the result of a preconcerted plan; and while the action of these men may be overlooked by the government, I cannot excuse the action of those cowardly dogs who went to the agency and shot from the roofs of the houses, like birds from trees, the white men who were not dreaming of danger, and who certainly had given the Indians no cause to be killed, even if you will have it so that Agent Meeker deserved death at your hands.

What reason did there exist to kill those men that all unconcious of danger were driving teams towards the agency, bringing you the very provisions and goods which the government furnishes you for the friendship it has towards you, and of whom four or five were so murdered? This was willful murder, and you cannot expect that the government can or will overlook it.

If I or any other white man commit a crime against the laws, we expect to be followed and captured and tried by a jury of twelve men, who shall say whether we are guilty or not. If we defy arrest the whole power of the State or government will be turned against us.

In that position some of your people are to-day, and as we have been unable to learn from you the names of those that are guilty, we have been obliged to accept the testimony of the captive women, who saw these men on the list, besides others whose names they do not know, with rifles in their hands before and after the killing; and myself and General Hatch now present that list to you so that those whose names are thereon be surrendered to us, so that they may be tried and punished if found guilty. I do not say that these men are guilty, but I do say that in absence of testimony from you we consider that there exists cause enough for us to demand these men for trial.

Every man will have the right to be confronted with his accusing witness, and it may be that these captives when confronted with these men may fail to identify some of them; but with that we cannot now lose further time, and must ask for those as now implicated by that testimony.

I will now further inform you that you cannot afford to refuse this demand of the government, for the people of this country would not support its government if it should not insist on this condition for peace; and I know that if we should leave here with your refusal, in a short time troops would come here, and from all sides the guilty ones would be hunted down like wolves on the prairie or rabbits in their holes. You cannot afford to go to war with a nation of forty millions.

(Interpreted by Ouray, who thought that it was unnecessary to mention this, as all the Utes understood that fully.)

General ADAMS. Well, it is not necessary to go any further. I can only say, in conclusion, that I have come here as your friend, that nothing short of our demand will be accepted by the government, and that I hope that you understand the situation fully.

General HATCH then addressed the Indians, as follows:

You must now listen to what I have to say. This is the decision of the government, and if complied with will prevent the final struggle with the Indians, which must in the end result in their utter destruction, forfeiture of all their treaty rights, and loss of their lands. As yet, only Chiefs Douglas and Johnson have come to the Commission of all the Indians who were suspected of the massacre of the agency people. Against them we have the evidence of the women belonging to the agency. I have come here, leaving my troops, with the understanding that the Indians found or supposed to be guilty of those murders would

be surrendered and held for trial by jury. Of the Indians engaged in the fight with the soldiers there is no clear and sufficient proof of the individuals. Douglas, who is the acknowledged head chief of the nation, must be held responsible, and he and the cowardly murderers of the agency people, who did the Indians no harm, should suffer. There cannot be a question but that they were women, and do not deserve the slightest consideration from Indians or white men. You know as well as I do that by surrendering these cowardly murderers you now have an opportunity to preserve the tribe, and it is better that these bad men should suffer the penalty of the law, which upon conviction is death, than the entire tribe suffer.

We therefore demand that the following men be turned over for trial, as the only way now offered to settle this trouble; and it now remains with the Indians to comply with this demand. They are as follows, from the list now held in my hands: Chief Douglas, Chief Johnson, Wausitz (Antelope), Ebenezer, Pasone (Big Belly), Ahu-u-tu-pu-wit, Johnny (son-in-law of Douglas), Serio, Cre-pah, Tim Johnson, Thomas (a Uintah), Paruitz.

I am now done and await your answer.

The Indians then answered that all the people of Colorado and New Mexico are our enemies. We will surrender the parties if they can be tried by the general government at Washington. We believe we cannot obtain a fair trial in Colorado; no justice would be shown us.

The Indian Chiefs Jack and Colorado then left to bring the parties demanded, some of whom they state are one hundred miles distant, promising to bring them in pending the answer to this decision telegraphed to Secretary of the Interior, and forwarded by the Commission.

At 5.30 p. m. the Commission adjourned to meet at 10 a. m. the 9th instant, pending the decision from the Secretary of the Interior.

LOS PINOS AGENCY, COLO.,
December 9, 1879—10 a. m.

The Commission met pursuant to adjournment.

Present: Bvt. Maj. Gen. Edward Hatch, U. S. A.; General Charles Adams, of Colorado; Chief Ouray, of the Ute Nation; First Lieut. Gustavus Valois, Ninth Cavalry, recorder and legal adviser.

Minutes of last meeting read and approved.

Johnny, a White River Ute and son-in-law of Chief Douglas, was then brought before the Commission by Chief Ouray, and surrendered as a prisoner, in compliance with the demand made by the Commission on the 6th instant.

At 11 a. m. the Commission adjourned to meet at 10 a. m. the 10th instant.

LOS PINOS AGENCY, COLO.,
December 10, 1879—10 a. m.

The Commission met pursuant to adjournment.

Present: Bvt. Maj. Gen. Edward Hatch, U. S. A.; General Charles Adams, of Colorado; First Lieut. Gustavus Valois, Ninth Cavalry, recorder and legal adviser.

Absent, Chief Ouray, of the Ute Nation.

Minutes of last meeting read and approved.

There being no business to transact, the Commission adjourned to meet at 10 a. m. the 11th instant.

LOS PINOS AGENCY, COLO.,
December 11, 1879—10 o'clock a. m.

The Commission met pursuant to adjournment.

Present: Bvt. Maj. Gen. Edward Hatch, U. S. A.; General Charles Adams, of Colorado; First Lieut. Gustavus Valois, Ninth Cavalry, recorder and legal adviser.

Absent, Chief Ouray, of the Ute Nation.

Minutes of last meeting read and approved.

At 4 p. m. the following dispatches were received from Secretary Schurz. (Appendix Q.)

Interpreter Townsend was then sent to Chief Ouray's house, requesting him to be present at 9 a. m. the 12th instant.

At 4.30 p. m. Commission adjourned to meet at 9 a. m. the 12th instant.

APPENDIX Q.

Telegrams from Secretary Schurz to Ute Commission, December 8 *and* 9, 1879.

OFFICE OF ACTING ASSISTANT ADJUTANT-GENERAL,
In Field, Lake City, Colo., December 8, 1879.

General EDWARD HATCH, U. S. A.,
Los Pinos Agency:

SIR: The following dispatch was received this p. m.:

WASHINGTON, D. C., *December* 8, 1879.

General HATCH,
Ute Commissioner:

I congratulate the Commission on the success achieved. I shall lay the matter before the Cabinet to-morrow and then advise you of the decision.

C. SCHURZ, *Secretary.*

Very respectfully, your obedient servant,
JNO. F. GUILFOYLE,
Second Lieutenant, Ninth Cavalry,
Acting Assistant Adjutant-General, in Field.

LAKE CITY, COLO.,
December 9, 1879.

SIR: The following telegram was received to-day, viz:

General HATCH,
Ute Commissioner, Los Pinos Agency, via Lake City, Colo.:

Receive the surrender of the Indians designated by your commission with the understanding that they will be guaranteed a fair trial by a military commission outside of Colorado and New Mexico. Inform Ouray he will be received here with four or five Uncompahgres, three Southern Utes, and three White River Utes.

Take care that good and influential men be selected, especially from the White River Utes. It will probably be desirable to have Jack here.

Take possession of the prisoners with a military guard to convey them, in the first place, to Fort Leavenworth.

C. SCHURZ, *Secretary.*

Very respectfully, your obedient servant,
JNO. F. GUILFOYLE,
Second Lieutenant, Ninth Cavalry,
Acting Asssistant Adjutant-General, in Field.

General HATCH.

LAKE CITY, COLO.,
December 9, 1879.

SIR: The following telegram, marked "Confidential," received to-day:

General HATCH,
Ute Commissioner, Los Pinos Agency, via Lake City, Colo.:

It is preferred not to bring the prisoners to Washington for trial. Fort Leavenworth would in many respects be more convenient. Try to arrange it so, but if it is essential to procure the surrender, you may consent to have them brought for trial to the Department of the East, in which Washington is situated, in which case the trial might be had at Fortress Monroe.

C. SCHURZ, *Secretary.*

Very respectfully, your obedient servant,

JNO. F. GUILFOYLE,
Second Lieutenant, Ninth Cavalry,
Acting Assistant Adjutant-General, in Field.

General HATCH.

LOS PINOS AGENCY, COLO.,
December 12, 1879—9 a. m.

The Commission met pursuant to adjournment.

Present: Bvt. Maj. Gen. Edward Hatch, U. S. A.; General Charles Adams, of Colorado; Chief Ouray, of the Ute Nation; First Lieut. Gustavus Valois, Ninth Cavalry, recorder and legal adviser.

Minutes of last meeting read and approved.

General Hatch then informed Chief Ouray of the decision of the Secretary of the Interior.

Chief Ouray then stated that he expected the prisoners to arrive to-morrow. That he thought it best that he should go in person to the camp of the White River chiefs, and bring in those who should go to Washington, as sending a messenger would not be satisfactory, it being necessary for him to interview the chiefs in person. He further stated that it would take him ten days to return with the chiefs to the agency, and that arrangements for wagon transportation ought to be made during his absence. He also requested General Hatch to write for two chiefs of the Southern Utes to meet him at Alamosa.

General Adams then stated that he would leave to-day for his home in Colorado. Chief Ouray then wanted to know if General Hatch would remain, and upon being assured that General Hatch and Lieutenant Valois would remain and go with the Indians, expressed his satisfaction.

The Commission then, at 12 m., adjourned to meet at 10 a. m. the 13th instant.

LOS PINOS AGENCY, COLO.,
December 13, 1879—10 a. m.

The Commission met pursuant to adjournment.

Present: Bvt. Maj. Gen. Edward Hatch, U. S. A.; First Lieut. Gustavus Valois, Ninth Cavalry, recorder and legal adviser.

Absent: General Charles Adams, of Colorado; Chief Ouray, of the Ute Nation.

Minutes of last meeting read and approved.

There being no business to transact, the Commission adjourned to meet at 10 a. m. the 15th instant.

LOS PINOS AGENCY, COLO.,
December 15, 1879—10 o'clock a. m.

The Commission met pursuant to adjournment.

Present: Bvt. Maj. Gen. Edward Hatch, U. S. A.; First Lieut. Gustavus Valois, Ninth Cavalry, recorder and legal adviser.

Absent: General Charles Adams, of Colorado; Chief Ouray, of the Ute Nation.

Minutes of the last meeting read and approved.

There being no business to transact, the Commission adjourned to meet at 10 a. m. the 16th instant.

LOS PINOS AGENCY, COLO.,
December 16, 1879—10 o'clock a. m.

The Commission met pursuant to adjournment.

Present: Bvt. Maj. Gen. Edward Hatch, U. S. A.; First Lieut. Gustavus Valois, Ninth Cavalry, recorder and legal adviser.

Absent: General Charles Adams, of Colorado; Chief Ouray, of the Ute Nation.

The minutes of the last meeting read and approved.

George De Forrest Sherman, clerk of the Commission, was discharged, his services being no longer required; and John Townsend was also discharged from further performance of the duties of interpreter.

There being no further business to transact, the Commission adjourned to meet at 10 o'clock a. m. the 17th instant.

LOS PINOS AGENCY, COLO.,
December 17, 1879—10 o'clock a. m.

The Commission met pursuant to adjournment.

Present: Bvt. Maj. Gen. Edward Hatch, U. S. A.; First Lieut. Gustavus Valois, Ninth Cavalry, recorder and legal adviser.

Absent: General Charles Adams, of Colorado; Chief Ouray, of the Ute Nation.

The minutes of the last meeting were read and approved.

There being no business to transact, the Commission adjourned to meet at 10 o'clock a. m. of the 18th instant.

LOS PINOS AGENCY, COLO.,
December 18, 1879—10 o'clock a. m.

The Commission met pursuant to adjournment.

Present: Bvt. Maj. Gen. Edward Hatch, U. S. A.; First Lieut. Gustavus Valois, Ninth Cavalry, recorder and legal adviser.

Absent: General Charles Adams, of Colorado; Chief Ouray, of the Ute Nation.

The minutes of the last meeting were read and approved.

There being no business to transact, the Commission adjourned to meet at 10 o'clock a. m. the 19th instant.

LOS PINOS AGENCY, COLO.,
December 19, 1879—10 o'clock a. m.

The Commission met pursuant to adjournment.

Present: Bvt. Maj. Gen. Edward Hatch, U. S. A.; First Lieut. Gustavus Valois, Ninth Cavalry, recorder and legal adviser.

Absent: General Charles Adams, of Colorado; Chief Ouray, of the Ute Nation.

The minutes of the last meeting were read and approved.

There being no business to transact, the Commission adjourned to meet at 10 o'clock a. m. the 20th instant.

LOS PINOS AGENCY, COLO.,
December 20, 1879—10 o'clock a. m.

The Commission met pursuant to adjournment.

Present: Bvt. Maj. Gen. Edward Hatch, U. S. A.; Chief Ouray, of the Ute Nation; First Lieut. Gustavus Valois, Ninth Cavalry, recorder and legal adviser.

Absent, General Charles Adams, of Colorado.

The minutes of the last meeting were read and approved.

Chief Ouray presented to the Commission a gold watch which he had received from a White River Ute, a son of "Old Nevava." The watch was identified as the property of Lieutenant Wolf, Fourth Infantry, taken by the Indians during the Thornburgh fight. The watch was then turned over to the recorder to be returned to its owner.

Chief Ouray then addressed the commission as follows:

I have just returned from the camps of the White River Utes; I have talked for hours with the chiefs. Jack refuses to either come here or go to Washington, although Saw-o-wick and Colorado joined me in explaining to him that for his own and his people's best he should come and see General Hatch, and go with him to Washington. Some of Jack's people told me that Jack is gathering all his people with the intent of going through Utah to the Shoshone country, and thence to the Sioux, under Sitting Bull. I found the White River Utes with but very little ammunition and provisions; and all the chiefs but Jack willing to comply with the demands of the government. I then told the chiefs that I would give them five days to come to the Los Pinos Agency with the prisoners; that if they did not come then I would have nothing more to do with them. Saw-o-wick promised to come by the 23d instant; he is a good chief, talks fairly, and will keep his word.

General HATCH. Ouray, I do not see any reason why I should remain any longer; you can take charge of the prisoners; I will leave to-day or to-morrow.

OURAY. If you go you leave me all alone; you leave these government buildings and these people, who are already afraid of the Indians, all alone; you better stay; do not go.

General HATCH. Well, I will once more extend the time and remain until the 23d instant.

The Commission then, at 2 p. m., adjourned to meet at 10 o'clock a. m. the 22d instant.

LOS PINOS AGENCY, COLO.,
December 22, 1879—10 o'clock a. m.

The Commission met pursuant to adjournment.

Present: Bvt. Maj. Gen. Edward Hatch, U. S. A.; First Lieut. Gustavus Valois, Ninth Cavalry, recorder and legal adviser.

Absent, General Charles Adams, of Colorado; Chief Ouray, of the Ute Nation.

The minutes of the last meeting were read and approved.

There being no business to transact, the Commission adjourned to meet at 10 a. m. of the 23d instant.

LOS PINOS AGENCY, COLO.,
December 23, 1879—10 o'clock a. m.

The Commission met pursuant to adjournment.

Present: Bvt. Maj. Gen. Edward Hatch, U. S. A.; Chief Ouray, of the Ute Nation; First Lieut. Gustavus Valois, Ninth Cavalry, recorder and legal adviser.

Absent, General Charles Adams, of Colorado.

The minutes of last meeting were read and approved.

Chief Ouray then informed the Commission that Jack, Colorado, Saw-o-wick, and Uncle Sam, of the White River Utes, were here and at his house, and that the captains of the Uncompahgre would be here to-morrow.

General HATCH. Will the Indians called for by us and named on the list furnished you be here?

OURAY. No! They are in their camps. I thought you did not want them any more. I went out to the camps to bring in Jack and Colorado, that they might go to Washington, and they are here.

General HATCH. I cannot see how such a mistake could have occurred. You must have understood that the Secretary's dispatch said that no chiefs can be taken to Washington unless the guilty demanded by the Commission were surrendered. I am going to Captain Cline's house, on the Cimarron, to enable me to keep open the road between said place and Indian Creek, as the said road may be closed by snow any day. Should I be willing to wait there, can you bring in the Indians demanded by the Commission, and by what time?

OURAY. I must have misunderstood the interpreter; I have worked every day to bring this matter to a successful end. I will again do all I can, and bring in those I can in five days.

Chief Saw-o-wick was then called before the Commission.

By General HATCH:

Question. What is your opinion in regard to bringing in the Indians demanded by the Commission in five days?—Answer. I can dispatch a man to-morrow to see those people; he can bring those who want to come in three days; but if the General is satisfied, in six days we will bring whom we can to Captain Cline's house.

General HATCH. I want Saw-o-wick to thoroughly understand that if the Utes act in good faith they will find plenty of friends at Washington who will look after their interests and rights.

SAW-O-WICK. Well, then, I will go myself to do the best I can. I will bring all, if possible, to Captain Cline's house by the 29th instant.

General HATCH. I shall probably remain here until the 28th instant,

when I shall leave for Cline's house, and there I expect to meet you on the 29th instant.

The Commission then, at 4 p. m., adjourned to meet again at 10 a. m. the 24th instant.

LOS PINOS AGENCY, COLO.,
December 24, 1879—10 o'clock a. m.

The Commission met pursuant to adjournment.

Present: Bvt. Maj. Gen. Edward Hatch, U. S. A.; Chief Ouray, of the Ute Nation; First Lieut. Gustavus Valois, Ninth Cavalry, recorder and legal adviser.

Absent, General Charles Adams, of Colorado.

The minutes of the last meeting were read and approved.

Chief Ouray then stated to the Commission that runners had left for the camps of the White River Utes; that, of course, he was unable to state whether the prisoners would be brought in or not. Turning to General Hatch, "Should the White River Utes not turn over the prisoners, will you take me, with two or three of my friends, to Washington?"

General HATCH. You, Ouray, are a member of this Commission, and I shall take you, and also a few of your friends, under any circumstances.

Chief OURAY. I request that this matter be kept secret; I do not wish the Indians to know it, as I have a great many enemies, even among my own tribe. I am charged with working for the white man, and against the interest of the Indians. I shall meet all the White River chiefs at my house on the 28th instant; if they then do not bring the prisoners I shall tell them that they cannot go to Washington, that they may go home. I, with my companions, will then report to you at Captain Cline's house, on the Cimarron.

The Commission then, at 1 o'clock p. m., adjourned to meet at 10 o'clock a. m. of the 26th instant.

LOS PINOS AGENCY, COLO.,
December 26, 1879—10 o'clock a. m.

The Commission met pusurant to adjournment.

Present: Bvt. Maj. Gen. Edward Hatch, U. S. A.; First Lieut. Gustavus Valois, Ninth Cavalry, recorder and legal adviser.

Absent: General Charles Adams, of Colorado; Chief Ouray, of the Ute Nation.

The minutes of the last meeting were then read and approved.

There being no business to transact, the Commission then, at 2 p. m., adjourned to meet at 10 o'clock a. m. of the 27th instant.

LOS PINOS AGENCY, COLO.,
December 27, 1879—10 o'clock a. m.

The Commission met pursuant to adjournment.

Present: Bvt. Maj. Gen. Edward Hatch, U. S. A.; Chief Ouray, of the Ute Nation; First Lieut. Gustavus Valois, Ninth Cavalry, recorder and legal adviser.

Absent: General Charles Adams, of Colorado.

The minutes of the last meeting were then read and approved.

Chief Ouray then informed the Commission that Chiefs Jack, Colorado, and Saw-o-wick were still at his house, but had as yet come to no decision regarding the turning over of the White River Utes demanded by the Commission; but that he (Ouray) would meet the Commission on the 29th at Captain Cline's ranch, on the Cimarron River.

There being no further business to transact, the Commission then, at 4 o'clock p. m., adjourned to meet at Captain Cline's ranch, on the Cimarron River, at 10 o'clock a. m. of the 29th instant.

CLINE'S RANCH, COLORADO,
December 29, 1879—6 o'clock p. m.

The Commission met pursuant to adjournment.

Present: Bvt. Maj. Gen. Edward Hatch, U. S. A.; Chief Ouray, of the Ute Nation; First Lieut. Gustavus Valois, Ninth Cavalry, recorder and legal adviser.

Absent: General Charles Adams, of Colorado.

The minutes of the last meeting were then read and approved.

Chief Ouray then stated that the following Indians had come with him to go to Washington, viz: Jack, Saw-o-wick, Unca-Sam, Wass, Alejandro, Charlie, Ta-pu-che, Co-ru-che, Apache Charlie, and Cibolo.

By General HATCH:

Question. If I go now back to the agency, can you (Ouray) give me any assurance that any of the prisoners will be brought in?—Answer. I believe there is no chance; some have gone hunting toward the Sierra La Sal, and others will not come.

Q. If I go back to the agency, will I be able to get any of the prisoners by February?—A. There will be too much snow by that time, and I think even you would not be able to get out then.

General Hatch then informed Ouray to be ready to start with the Indians the next morning for Indian Creek, *en route* to Washington.

The Commission then, at 9 o'clock p. m., adjourned to meet at Indian Creek at 10 o'clock a. m. the 31st instant.

INDIAN CREEK, COLORADO,
December 31, 1879—8 o'clock p. m.

The Commission met pursuant to adjournment.

Present: Bvt. Maj. Gen. Edward Hatch, U. S. A.; Chief Ouray, of the Ute Nation; First Lieut. Gustavus Valois, Ninth Cavalry, recorder and legal adviser.

Absent: General Charles Adams, of Colorado.

The minutes of the last meeting were then read and approved.

There being no business to transact, the Commission then, at 9 o'clock p. m., adjourned to meet at Alamosa, Colo., at 10 a. m. of January 6, 1880.

ALAMOSA, COLO.,
January 6, 1880—8 o'clock p. m.

The Commission met pursuant to adjournment.

Present: Bvt. Maj. Gen. Edward Hatch, U. S. A.; General Charles Adams, of Colorado; Chief Ouray, of the Ute Nation; First Lieut. Gustavus Valois, Ninth Cavalry, recorder and legal adviser.

The minutes of the last meeting were then read and approved.

General Hatch then stated that everything would be in readiness for Ouray and the other Indians to proceed to Washington the next morning.

There being no further business to transact, the commission adjourned to meet at 10 o'clock a. m. of the 7th instant.

ALAMOSA, COLO.,
January 7, 1880—10 o'clock a. m.

The Commission met pursuant to adjournment.

Present: Bvt. Maj. Gen. Edward Hatch, U. S. A.; First Lieut. Gustavus Valois, Ninth Cavalry, recorder and legal adviser.

Absent: General Charles Adams, of Colorado; Chief Ouray, of the Ute Nation.

The minutes of the last meeting were then read and approved.

There being no further business to transact, the Commission then, at 11 o'clock a. m., adjourned *sine die*.

EDWARD HATCH,
Brevet Major-General, U. S. A., President.

G. VALOIS,
First Lieutenant, Ninth Cavalry, Recorder.

46TH CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { EX. DOC. No. 84.

ALLEGED OUTRAGE AT FORTUNE BAY, NEWFOUNDLAND.

MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

TRANSMITTING,

In compliance with a resolution of the House of Representatives, the correspondence with the Government of Great Britain in regard to the alleged outrage upon American fishermen at Fortune Bay, Newfoundland.

MAY 17, 1880.—Referred to the Committee on Foreign Affairs and ordered to be printed.

To the House of Representatives :

In compliance with the resolution of the House of Representatives of the 27th ultimo, calling for copies of the correspondence with the Government of Great Britain in regard to the alleged outrage upon American fishermen at Fortune Bay, in the Province of Newfoundland, I transmit herewith the correspondence called for, and a report from the Secretary of State on the subject.

In transmitting this correspondence and the report, I respectfully ask the immediate and careful attention of Congress to the failure of accord between the two governments as to the interpretation and execution of the fishery articles of the treaty of Washington, as disclosed in this correspondence and elucidated by the exposition of the subject by the Secretary of State.

I concur in the opinions of this report as to the measures proper to be taken by this government in maintenance of the rights accorded to our fishermen by the British concession of the treaty, and in providing for suitable action towards securing an indemnity for the injury these interests have already suffered.

Accordingly I recommend to Congress the adoption of these measures, with such attendant details of legislation as in the wisdom of Congress shall seem expedient.

R. B. HAYES.

WASHINGTON, *May* 17, 1880.

DEPARTMENT OF STATE,
Washington, May 17, 1880.

To the PRESIDENT :

The Secretary of State, to whom were referred the resolution of the House of Representatives of the 27th of April, ultimo, requesting the President, "if not inconsistent with the public interest, to transmit to this House copies of all correspondence, not now communicated, with the English Government relating to the alleged interference with American fishermen in Fortune Bay, on the 6th of January, 1878," and a resolution of the Senate of the 28th of the same month on the same subject, has the honor to lay before the President the correspondence as called for.

In connection with these papers, and for the better understanding of the subject to which this correspondence relates, I submit for your consideration the valuable report of Collector F. J. Babson and Alfred D. Foster, esq., of their visit on board the naval steamship Kearsarge to the provincial inshore fisheries under the instructions of the Department during the summer of last year, as well as their instructions under which this cruise of the Kearsarge was planned. This correspondence with the British Government, and this intelligent exposition of the attempted exercise by our fishermen of the freedom of the inshore fisheries as secured to them by the treaty of Washington, whose violent interruption gave occasion to this discussion between the two governments of the true measure of this treaty right, will, it is believed, with the record of the proceedings of the Halifax commission, and the correspondence and protest which preceded and attended our payment of the award, furnish complete materials upon which the judgment of Congress can be formed and its action determined in the juncture of this fishery contention now demanding its serious consideration.

The very grave occurrence at Fortune Bay in January, 1878, was brought by me to the attention of the British Government in March of that year, with the view of obtaining redress for our fishermen for the gross violence and serious loss they suffered in their expulsion from this inshore fishery which they were prosecuting under the treaty of Washington. The reply of the British Government did not reach me until September 4 of that year. It disclosed possible grounds for the rejection of our claims which put upon our rights in the inshore fisheries such limitations of subserviency to British provincial or imperial legislation as seemed to me wholly inadmissible. These grounds were that our fishermen were pursuing their industry on Sunday, contrary to a law of Newfoundland, passed subsequent to the treaty of Washington; that they were using seines to take herring, contrary to a law of Newfoundland proscribing that method of fishing for the six months of the year between October and April; that they were using such seines in a manner prohibited at any season of the year by a statute which precluded catching herrings by means of seines "except by way of shooting and forthwith hauling the same."

In communicating the report of the evidence which was intended to show the time and manner at and in which our fishermen were pursuing their right, as a justification for their interruption in it, Lord Salisbury observed: "You will perceive that the report in question appears to demonstrate conclusively that the United States fishermen on this occasion had committed three distinct breaches of the law." To this intimation, even, that the freedom of the fishery accorded by an imperial treaty either had been subtracted by past or could be curtailed by future provincial legislation, I lost no time in opposing an explicit and unconditional rejection of such an interpretation of the treaty. In a dispatch

to Mr. Welsh, on the 28th of September, I communicated to the British Government the views of this Government, as follows:

In this observation of Lord Salisbury, this Government cannot fail to see a necessary implication that Her Majesty's Government conceives that in the prosecution of the right of fishing accorded to the United States by Article XVIII of the treaty, our fishermen are subject to the local regulations which govern the coast population of Newfoundland in their prosecution of their fishing industry, whatever those regulations may be, and whether enacted before or since the treaty of Washington.

The three particulars in which our fishermen are supposed to be constrained by actual legislation of the province cover in principle every degree of regulation of our fishing industry within the three-mile line which can well be conceived. But they are in themselves so important and so serious a limitation of the rights secured by the treaty as practically to exclude our fishermen from any profitable pursuit of the right, which, I need not add, is equivalent to annulling or canceling, by the provincial government, the privilege accorded by the treaty with the British Government.

If our fishing-fleet is subject to the Sunday laws of Newfoundland, made for the coast population; if it is excluded from the fishing-grounds for half the year, from October to April; if our "seines and other contrivances" for catching fish are subject to the regulations of the legislature of Newfoundland, it is not easy to see what firm or valuable measure for the privilege of Article XVIII as conceded to the United States this government can promise to its citizens under the guarantee of the treaty. It would not under any circumstances be admissible for one government to subject the persons, the property, and the interests of its fishermen to the unregulated regulation of another government upon the suggestion that such authority will not be oppressively or capriciously exercised, nor would any government accept, as an adequate guarantee of the proper exercise of such authority over its citizens by a foreign government, that, presumptively, regulations would be uniform in their operation upon the subjects of both governments in similar case. If there are to be regulations of a common enjoyment, they must be authenticated by a common or joint authority.

But most manifestly the subject of the regulation of the enjoyment of the shore fishery by the resident provincial population, and of the inshore fishery by our fleet of fishing cruisers, does not tolerate the control of so divergent and competing interests by the domestic legislation of the provinces. Protecting and nursing the domestic interest at the expense of the foreign interest, on the ordinary motives of human conduct, necessarily shape and animate the local legislation. The evidence before the Halifax commission makes it obvious that to exclude our fishermen from catching bait, and thus compel them to go without bait, or buy bait at the will and price of the provincial fishermen, is the interest of the local fishermen, and will be the guide and motive of such domestic legislation as is now brought to the notice of this government.

You will therefore say to Lord Salisbury that this government cannot but express its entire dissent from the view of the subject that his lordship's note seems to indicate. This government conceives that the fishery rights of the United States, conceded by the treaty of Washington, are to be exercised wholly free from the restraints and regulations of the statutes of Newfoundland, now set up as authority over our fishermen, and from any other regulations of fishing now in force, or that may hereafter be enacted by that government.

It may be said that a just participation in this common fishery by the two parties entitled thereto, may, in the common interest of preserving the fishery and preventing conflicts between the fishermen, require regulation by some competent authority. This may be conceded; but should such occasion present itself to the common appreciation of the two governments, it need not be said that such competent authority can only be found in a joint convention that shall receive the approval of Her Majesty's Government and our own. Until this arrangement shall be consummated, this government must regard the pretension that the legislation of Newfoundland can regulate our fishermen's enjoyment of the treaty right as striking at the treaty itself.

It asserts an authority on one side and a submission on the other, which has not been proposed to us by Her Majesty's Government, and has not been accepted by this government. I cannot doubt that Lord Salisbury will agree that the insertion of any such element in the treaty of Washington would never have been accepted by this government if it could reasonably be thought possible that it could have been proposed by Her Majesty's Government. The insertion of any such proposition by construction now is equally at variance with the views of this government.

The representations made to this government by the interests of our citizens affected leave no room to doubt that this assertion of authority is as serious and extensive in practical relations as it is in principle. The rude application made to the twenty vessels in Fortune Bay, of this asserted authority, in January last, drove them from the profitable prosecution of their projected cruises. By the same reason the entire inshore fishery is held by us upon the same tenure of dependence upon the Parliament of the Dominion or the legislatures of the several provinces.

* * * * * * *

In the opinion of this government, it is essential that we should at once invite the attention of Lord Salisbury to the question of provincial control over the fishermen of the United States in their prosecution of the privilege secured to them by the treaty. So grave a question, in its bearing upon the obligations of this government under the treaty, makes it necessary that the President should ask from Her Majesty's Government a frank avowal or disavowal of the paramount authority of provincial legislation to regulate the enjoyment by our people of the inshore fishery, which seems to be intimated, if not asserted, in Lord Salisbury's note.

Before the receipt of a reply from Her Majesty's Government, it would be premature to consider what should be the course of this government should this limitation upon the treaty privileges of the United States be insisted upon by the British Government as their construction of the treaty.

In answer to this unequivocal presentation, both of the freedom of the fishery as this government interpreted the concession of the treaty, and of the absolute suppression of this treaty right, as a matter of practical value to our fishermen by this actual provincial legislation, Lord Salisbury replied with less distinctness, no doubt, but yet in a sense which I could not but regard as disclaiming any right to qualify the treaty by municipal legislation previous or subsequent to its date. After intimating a dissent from the doctrine, if I had intended to assert it, "that no British authority has any right to pass any kind of law binding Americans who are fishing in British waters," Lord Salisbury says:

On the other hand, Her Majesty's Government will readily admit what is, indeed, self-evident, that British sovereignty, as regards these matters, is limited in its scope by the engagements of the Treaty of Washington, which cannot be modified or affected by any municipal legislation. I cannot anticipate that with regard to these principles, any difference will be found to exist between the views of the two governments. If, however, it be admitted that the Newfoundland legislators have the right of binding Americans who fish within their waters, by any laws which do not contravene existing treaties, it must further be conceded that the duty of determining the existence of any such contravention must be undertaken by the governments, and cannot be remitted to the discretion of each individual fisherman, for such a discretion, if exercised on one side, can hardly be refused on the other. * * * Her Majesty's Government prefer the view that the law enacted by the legislature of the country, whatever it may be, ought to be obeyed by natives and foreigners alike who are sojourning within the territorial limits of its jurisdiction, but that if a law has been inadvertently passed which is in any degree or respect at variance with rights conferred on a foreign power by treaty, the correction of the mistake as committed, at the earliest period after its existence shall have been ascertained and recognized, is a matter of international obligation.

This dispatch was received by me in November, and on the 23d of the same month the payment of the award of the Halifax Commission was made at the date provided in the treaty. The further consideration of the Fortune Bay claims seemed to require only the verification of the facts on the part of our claimants, so far as they were drawn in question by, or were at variance with, the report made to the British Government by its officers, and the communication to that government of the results as finally insisted upon by us as the basis and measure of our claims. The correspondence called for by Congress and now submitted, shows the entire rejection of the claims on the grounds set forth in Lord Salisbury's dispatch of the 3d of April last.

Before considering the main proposition of the British Government, by which a direct and flat denial of the freedom of the inshore fisheries as claimed by this government is interposed, I need to bring to attention two subordinate pretensions of Lord Salisbury's dispatch intended to fortify his main proposition.

It appeared that in the management of one, at least, of the seines at Fortune Bay our fishermen had used the strand for a temporary service in the process of inclosing the school of herring within the seine. This incident in the operation, in the original correspondence as in the transaction itself a mere subordinate feature of the process of seining com-

plained of, is now made prominent in the dispatch of Lord Salisbury. There being no allegation that this use of the strand violates any provincial regulation of the fisheries, the point is made that the freedom of the fisheries accorded by the treaty itself, in terms, excludes our fishermen from this incidental use of the strand in the process of taking fish by seines. A true interpretation of the treaty concession gives no support to this pretension. The concession of fishing is "to take fish of every kind, except shell-fish, on the *sea coasts and shores*, and in the bays, harbors, and creeks of the Provinces * *, without being restricted to any distance from the shore." Besides this concession of fishing, which manifestly covers the use of the strand in the process of *taking* fish, a further permission to land upon the coasts and shores is conceded to our fishermen for the independent purpose of using the land for "drying their nets and curing their fish."

The contention seems to be that because specific permission to use the land for purposes not included in the process of "taking fish" is given, in terms, therefore, the use of the strand in the process of "taking fish" is excluded, though in the nature of the process of taking fish the temporary use of the strand in managing the seines is a part of inshore fishing. This faulty reasoning is not helped at all by the proviso of the treaty, that our fishermen, in using their right on shore, shall "not interfere with the rights of private property or with British fishermen in the peaceable use of any part of the said coasts in their occupancy for the same purpose." If this proviso does not include the use of the strand in taking fish, it does not qualify the fishing concession. If it does include that use of the strand, then it construes such use as within the fishing concession, and qualifies it by the observance of private property on shore, and non-interference with British fishermen using the strand in their fishing.

Lord Salisbury's reference to the argument of Mr. Foster before the Halifax Commission, on the independent subject of the commercial privileges for which the British case demanded compensation in the awards (and which were rejected by the commission as not within the purview of the treaty), for the doctrines of this government in regard to the use of the strand as an incident of the inshore fishery concession, needs no serious comment here. If the "case" of either government could fairly be referred to as maintaining propositions to which it should be held in this contention, the special arguments *pro* and *con* of counsel cannot usefully be resorted to for this purpose.

In this interlocutory argument on the commercial question, the British counsel, in answering Mr. Foster, maintained the opposite construction of the treaty. Neither view had any important relation to the subject then under discussion.

The second topic of Lord Salisbury's dispatch, from which aid is sought for his main proposition, is the presentation of Mr. Marcy's circular to the collectors of customs, while the reciprocity treaty was in force, for promulgation among our fishermen, the whole text of which Lord Salisbury incorporates in his note.

In the full copy of this circular, which is appended (No. 5) to the Babson and Foster report, the fishery regulations of the Provinces to which it relates are recited, and a reference to these is sufficient to displace any inference that this government has assented to any curtailment, past or previous, by provincial legislation, of the freedom of the inshore fishery, as conceded to our fishermen by the terms of the reciprocity treaty or the Treaty of Washington. One of these regulations relates to the demarkation of "gurry grounds," and the other to the

reservation of spawning grounds, during the spawning season, from invasion. "Gurry," or the offal of fish, was supposed to infect the waters, and the regulation was not of the right of taking fish but of poisoning them. The care of the spawning beds in spawning season, in like manner, was a regulation of the breeding of fish, not a regulation of modes of American fishing. Both these regulations met the approval of this government and were required by Mr. Marcy to be respected by our fishermen, for this reason, and in the sense of being within the reasonable province of local civil jurisdiction, and not encroaching upon the province of freedom of the fishery as imparted by the reciprocity treaty. But the right of this government to inspect all such laws and pass upon them as falling one side or the other of the line thus firmly drawn, is explicitly stated by Mr. Marcy. He says, "should they be so framed or executed as to make any discrimination in favor of British fishermen, or to impair the rights secured to American fishermen by that treaty, those injuriously affected by them will appeal to this government for redress." Accordingly, the fishermen are directed to make complaint, upon the case arising, either in respect to any law or its execution, "in order that the matter may be arranged by the two governments."

The position of this government, as laid down in my dispatch of September 28, 1878, is, therefore, unembarrassed by any attitude in this contention heretofore taken in any diplomatic discussion of parallel treaty engagements. Any particular interpretation of the treaty as to the right to use the strand in fishing with seines, ceases to be of significance, in the issue now joined with the British Government, because the provincial laws in question prohibit the use of the seines at all, and the main proposition of the British Government subjects our treaty rights to such legislation. So, too, the scope of this main proposition can be neither obscured nor confused by the irrelevant consideration of the local jurisdiction, within three miles of the shore, over persons or property, of the running of civil or criminal process, of health or police regulations, of territorial sovereignty in the abstract. The issue between the two governments is as to what regulations of the freedom of the fishery, in the very matter of the time and manner of taking fish, remain a part of British sovereignty over the fishery, under the color of sovereignty over the place, when exclusive sovereignty over the fishery has been parted with by Great Britain, and a participation in such fishery has been acquired by the United States, in the terms and on the considerations of the Treaty of Washington.

Upon this issue the position of this government was notified to the British Government in September, 1878, as follows:

> This government conceives that the fishery rights of the United States conceded by the Treaty of Washington are to be exercised wholly free from the restraints and regulations of the statutes of Newfoundland, now set up as authority over our fishermen, and from any other regulations of fishing now in force or that may hereafter be enacted by that government.

Upon this issue the position of the British Government is now notified to us by the dispatch of Lord Salisbury, of April 3, ultimo, as follows. Referring to these statutes of Newfoundland, Lord Salisbury says:

> These regulations, which were in force at the date of the Treaty of Washington, were not abolished, but confirmed by the subsequent statutes, and are binding under the treaty upon the citizens of the United States in common with British subjects. The United States fishermen, in landing for the purpose of fishing at Tickle Beach, in using a seine at a prohibited time, and in barring herrings with seines from the shore, exceeded their treaty privileges and were engaged in unlawful acts.

Lord Salisbury further states that Her Majesty's Government "have always admitted the incompetence of the colonial or the imperial legis-

lature to limit, by subsequent legislation, the advantages secured by treaty to the subjects of another power."

There are but two grounds upon which the subordination of the United States' freedom of the inshore fisheries to imperial or provincial legislation, curtailing or burdening that freedom, ever has been, or, in the nature of the case, can be placed.

The first is that of reserved general sovereignty within the three-mile limit, under cover of which it is pretended there lurked in the concession of the freedom of this fishery to the United States, in common with Great Britain, the power of one party in the privilege of this common fishery to regulate the enjoyment of it by the other. The statement of this proposition confutes it. The United States would have acquired nothing of right, if the concession was constantly subject to the will of Great Britain for its exercise and enjoyment. Accordingly, Lord Salisbury disclaims this pretension as ever having been held by the British Government as a reserved power capable of exercise by any regulations subsequent to the date of the Treaty of Washington. But, manifestly, antecedent regulations, as having force subsequent to the treaty, cannot be sustained upon the ground of sovereignty over the treaty concession by any better reason than new legislation of that quality and effect. If the treaty predominates over subsequent provincial legislation, encroaching upon the treaty concession, by stronger reason it supplants previous provincial legislation subversive or restrictive of the treaty concession. If such previous legislation persists after the treaty comes into operation, it must be because the treaty in terms or by just interpretation accepts this previous legislation as a part of itself. But this is the predominance of the treaty and not of the legislation, which thenceforth owes its vigor to the stipulations of the treaty by which the United States adopts and confirms the provincial legislation in force at its date. This is in substance the British contention, and, in the failure of the doctrine of reserved sovereignty, is the only alternative basis of the present proposition of the British Government.

The subject thus brought into dispute at this late date in the progress of the fishery negotiations between the two countries is simply what the fishery in provincial waters, which the British Government had at its disposal and which we acquired at its hand, as a matter of property and beneficial enjoyment, really was.

That the British proprietorship in and dominion over this inshore fishery was perfect, absolute, and without incumbrance or limitations, and that this was the subject concerning which the negotiations were occupied and by and to which the treaty equivalents were to be measured and applied was certainly never doubted by the negotiators of this treaty on the part of the United States or of Great Britain. Whatever this fishery was in its natural extent and value, in its geographical area, and its multitude and variety of fish products, that was the subject of which Great Britain possessed the *jus disponendi*, and that the subject of which the United States proposed to acquire an undivided share. The proportion of this fishery which Great Britain was to part with and the United States was to appropriate does not affect the question of what the entire property was and was understood to be. Whatever the United States would have acquired had Great Britain parted with the whole fishery, the subject partitioned between them was this entirety, no matter what the shares in which it was to be enjoyed might be.

It is equally clear that the negotiators on both sides assumed that Great Britain was dealing with this subject as sole owner, and that it

had impaired neither its title nor its possession by any previous grant or incumbrance. Whatever right and enjoyment then, by proprietorship and dominion, Great Britain in its political sovereignty could impart to "the subjects of Her Britannic Majesty," that right and enjoyment Great Britain could impart "to the inhabitants of the United States."

This being the subject of the grant, and this the title and possession of the grantor, what is the treaty description of the estate, right, and privilege granted to the United States for the enjoyment of its citizens? The text of the fishery articles of the Treaty of Washington shows that there was no limitation whatever upon the grant, except that the estate, right, and privilege granted were to endure but for a term of years, and were to be enjoyed by the United States not exclusively, but in common with Great Britain. There was, to be sure, a restriction imposed upon both countries which excluded both equally from extending the enjoyment of either's share of the common fishery beyond the "inhabitants of the United States" on the one side and "Her Britannic Majesty's subjects" on the other, thus disabling either government from impairing the share of the other by introducing foreign fishermen into the common fishery. But this feature in the grant has no significance in the measure of the concession as now disputed by Great Britain and contended for by the United States.

The British contention imputes to the phrase of the treaty, "in common with the subjects of Her Britannic Majesty," not only its manifest effect of excluding any possible conclusion that the privilege conceded to the United States was exclusive, but the further effect of measuring the subject of the grant—that is, the fishery itself—as it was then, at the very date of the treaty, regulated by the various laws of the maritime provinces.

For this interpolation there seems no justification either in reason or in the history of the negotiation. There is not the least evidence that it was present to the mind of either of the high contracting parties to the treaty that the subject of the fishery to be partitioned between them was any less than such as it was in its natural dimensions and quality, and such as it was, as a subject of human control, at the unlimited disposal of British sovereignty. What these provincial laws were no one inquired and no one disclosed. That the fishery our sea-going fishermen were to share in, was a fishery regulated by and for the local population fishing from the shore, no one conceived. That the title of Great Britain should be examined, or warranty against adverse title and possession or against incumbrances exacted, would have seemed both foolish and offensive to the High Joint Commission which negotiated this treaty. To the apprehension of all, the map and the statistics of the catch showed what the fishery was in extent and value, and the dominion of Great Britain over the subject measured the security of the right which we were to acquire.

The proposition of Lord Salisbury reduces the grant of the fishery from the dimensions of the fishery as Great Britain had power to convey it, and by its mere natural description would convey it, to the fishery as it had been trimmed and curtailed by local legislation and was to be regulated by local administration. He reduces our enjoyment from a freedom of the fishery, such as the plenary political power of Great Britain could impart to its subjects and could share with the United States, to be enjoyed by their inhabitants, to the use of the fishing methods and seasons of the provincial coast population, as their faculties and occasions had arranged them; and this interpretation of the

subject of the grant, by which one party parted with and the other acquired nothing of value, turns upon the phrase of the treaty which defines the estate conveyed as not exclusive, but to be held in common.

Fortunately, the closing transaction between the two governments, by which the fishery-concession to the United States was to be measured and valued, and compensation on our part therefor to be adjusted according to the measure and value of the provincial fishery, not in the abstract, but as opened to our fishermen, furnished an opportunity to take the estimate both of the British and Provincial Governments of the extent and comprehension of the subject of the grant. This transaction antedates the present disputation and brings the two governments together in a computation before the Halifax Commission of the nature, extent, and benefit of the inshore provincial fishery.

The considerations for the British concession were threefold. First, an equivalent fishery-concession on our own coasts; second, exemption of provincial fish-products from duties, or the concession of our free market; third, such supplemental money payment as the nature, extent, and value of the British fishery-concession, in the judgment of the Halifax Commission, would warrant or require. It would be enough to say that the present pretensions of the British Government in reduction of the grant were not presented in depreciation of the price we were to pay, nor was any subjection of the natural fishery to political or municipal disparagement advanced by us in reduction of the money-value with which we were to be charged. But the British and Provincial Governments are precluded from the present pretensions not by silence alone as to these latent limitations and incumbrances upon the grant, when its price was being adjusted by the Halifax award. The "Case" of the British Government presents in the most open and unequivocal terms the measure of the grant, in the sense both of benefit to the United States and of injury to the provincial fishermen. The conduct of the contention throughout maintained the freedom of the fishery to the methods and occasions of our fishing enterprise and skill, and insisted upon the *right accorded* (which might exhaust and destroy the fisheries so as to depreciate their benefit to the coast population, even beyond the treaty period), and not its actual exercise by our fishermen, as the standard of estimate by which our money payment was to be fixed.

In "the Case of Her Majesty's Government," submitted to the Halifax Commission, the following language is used to illustrate and enforce the advantage in the extent and method of fishing secured by the treaty of 1871 over the restrictions of the convention of 1818:

> The convention of 1818 entitled United States citizens to fish on the shores of the Magdalen Islands, but denied them the privilege of landing there. *Without such permission the practical use of the inshore fisheries was impossible.* Although such permission has tacitly existed, as a matter of sufferance, it might at any moment have been withdrawn, and the operations of United States fishermen in that locality would thus have been rendered ineffectual. The value of these inshore fisheries is great; mackerel, herring, halibut, capelin, and launce abound, and are caught inside of the principal bays and harbors, where they resort to spawn. Between three hundred and four hundred United States fishing-vessels yearly frequent the waters of this group, and take large quantities of fish, both for curing and bait. A single seine has been known to take at one haul enough of herrings to fill 3,000 barrels. Seining mackerel is similarly productive. During the spring and summer fishery of the year 1875, when the mackerel were closer inshore than usual, *the comparative failure of the American fishermen was owing to their being unprepared with suitable hauling-nets and small boats, their vessels being unable to approach close enough to the beaches.*
>
> In the case of the remaining portions of the seaboard of Canada, the terms of the Convention of 1818 debarred United States citizens from landing at any part for the *pursuit of operations* connected with fishing. *This privilege is essential* to the successful prosecution of both the inshore and deep-sea fisheries. By it they would be enabled to

prepare their fish in a superior manner, in a salubrious climate, as well as more expeditiously, and they would be relieved of a serious embarassment as regards the disposition of fish offals, by curing on shore the fish which otherwise would have been dressed on board their vessels, and the refuse thrown overboard.

All the advantages above detailed have been secured for a period of twelve years to United States fishermen. Without them, fishing operations on many parts of the coast would be not only unremunerative but impossible; and they may therefore be fairly claimed as an important item in the valuation of the liberties granted to the United States under Article XVIII of the Treaty of Washington. (Halifax Com., Vol. I, p. 93.)

And again:

4. *Formation of fishing establishments.*

The privilege of establishing permanent fishing-stations on the shores of Canadian bays, creeks, and harbors, akin to that of landing to dry and cure fish, is of material advantage to United States citizens.

* * * * * * *

There are further advantages derivable from permanent establishments ashore, *such as the accumulation of stock and fresh fish preserved in snow or ice, and others kept in frozen and fresh state by artificial freezing.* (*Ib.* pp. 94, 95.)

In that portion of the same "case" which specially regards the character of the Newfoundland fishery, and points out with elaborate precision the rights of the United States fishermen on the shores of that island and the compensation demanded therefor, the British Government says:

I. *The entire freedom of the inshore fisheries.*

Newfoundland, from that part of its coast now thrown open to United States fishermen, yearly extracts, at the lowest estimate, $5,000,000 worth of fish and fish-oil, and when the value of fish used for bait and local consumption for food and agricultural purposes, of which there are no returns, is taken into account, the total may be fairly stated at $6,000,000 annually.

It may possibly be contended on the part of the United States that their fishermen have not in the past availed themselves of the Newfoundland inshore fisheries, with but few exceptions, and that they would and do resort to the coasts of that island only for the purpose of procuring bait for the bank fishery. This may up to the present time, to some extent, be true, as regards codfish, but not as regards herring, turbot, and halibut. *It is not at all probable that, possessing as they now do the right to take herring and capelin for themselves on all parts of the Newfoundland coasts, they will continue to purchase as heretofore, and they will thus prevent the local fishermen, especially those of Fortune Bay, from engaging in a very lucrative employment, which formerly occupied them during a portion of the winter season for the supply of the United States market.*

The words of the treaty of Washington, in dealing with the question of compensation, make no allusion *to what use* the United States may or do make of the privileges granted them, but simply state that, inasmuch as it is asserted by Her Majesty's Government that the privileges accorded to the citizens of the United States under Article XVIII are of greater value than those accorded by Articles XIX and XXI to the subjects of Her Britannic Majesty, and this is not admitted by the United States, it is further agreed that a commission shall be appointed, having regard to the privileges accorded by the United States to Her Britannic Majesty's subjects in Articles Nos. XIX and XXI, the amount of any compensation to be paid by the Government of the United States to that of Her Majesty in return for the privileges accorded to the United States under Article XVIII.

It is asserted, on the part of Her Majesty's Government, that the actual use which may be made of this privilege at the present moment is not so much in question as the actual value of it to those who may, if they will, use it. It is possible and even probable, that United States fishermen may at any moment avail themselves of the privilege of fishing in Newfoundland inshore waters to a much larger extent than they do at present; but even if they should not do so, it would not relieve them from the obligation of making the just payment for a right which they have acquired subject to the condition of making that payment. The case may be not inaptly illustrated by the somewhat analogous one of a tenancy of shooting or fishing privileges; it is not because the tenant fails to exercise the rights which he has acquired by virtue of his lease that the proprietor should be debarred from the recovery of his rent.

There is a marked contrast, to the advantage of the United States citizens, between the privilege of access to fisheries the most valuable and productive in the world, and the barren right accorded to the inhabitants of Newfoundland of fishing in the exhausted and preoccupied waters of the United States north of the thirty-ninth parallel of north latitude, in which there is no field for lucrative operations even if British

subjects desired to resort to them; *and there are strong grounds for believing that year by year, as United States fishermen resort in greater numbers to the coasts of Newfoundland for the purpose of procuring bait and supplies, they will become more intimately acquainted with the resources of the inshore fisheries and their unlimited capacity for extension and development.* As a matter of fact, United States vessels have, since the Washington treaty came into operation, been successfully engaged in these fisheries; and it is but reasonable to anticipate that, as the advantages to be derived from them become more widely known, larger numbers of United States fishermen will engage in them.

A participation by fishermen of the United States in the freedom of these waters must, notwithstanding their wonderfully reproductive capacity, tell materially on the local catch, and, while affording to the United States fishermen a profitable employment, must seriously interfere with local success. The extra amount of bait also which is required for the supply of the United States demand for the bank fishery must have the effect of diminishing the supply of cod for the inshores, as it is well known that the presence of that fish is caused by the attraction offered by a large quantity of bait fishes, and as this quantity diminishes the cod will resort in fewer number to the coast. The effect of this diminution may not in all probability be apparent for some years to come, and whilst United States fishermen will have the liberty of enjoying the fisheries for several years in their present teeming and remunerative state, the effects of overfishing may, after their right to participate in them has lapsed, become seriously prejudicial to the interests of the local fishermen (*Ib.*, pp. 103, 104.)

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It is impossible to offer more convincing testimony as to the value to United States fishermen of securing the right to use the coast of Newfoundland as a basis of operations for the bank fisheries than is contained in the declaration of one who has been for six years so occupied, sailing from the ports of Salem and Gloucester, in Massachusetts, and who declares that it is of the greatest importance to United States fishermen to procure from Newfoundland the bait necessary for those fisheries, and that such benefits can hardly be overestimated; that there will be, during the season of 1876, upward of 200 United States vessels in Fortune Bay for bait, and that there will be upward of 300 vessels from the United States engaged in the Grand Bank fishery; that owing to the great advantage of being able to run into Newfoundland for bait of different kinds, they are enabled to make four trips during the season; that the capelin, which may be considered as a bait peculiar to Newfoundland, is the best which can be used for this fishery, and that a vessel would probably be enabled to make two trips during the capelin season, which extends over a period of about six weeks. The same experienced deponent is of opinion that the bank fisheries are capable of immense expansion and development, and that the privilege of getting bait on the coast of Newfoundland is indispensable for the accomplishment of this object.

As an instance of the demand for bait supplies derived from the Newfoundland inshore fisheries, it may be useful to state that the average amount of this article consumed by the French fishermen, who only prosecute the bank fisheries during a period of about six months of the year, is from $120,000 to $160,000 annually. *The herring, capelin, and squid amply meet these requirements, and are supplied by the people of Fortune and Placentia Bays*, the produce of the islands of St. Pierre and Miquelon being insufficient to meet the demand.

It is evident from the above considerations that not only are the United States fishermen almost entirely dependent on the bait supply from Newfoundland, now open to them, for the successful prosecution of the bank fisheries, but also that they are enabled, through the privileges conceded to them by the Treaty of Washington, to largely increase the number of their trips, and thus considerably augment the profits of the enterprise. This substantial advantage is secured at the risk, as before mentioned, of hereafter depleting the bait supplies of the Newfoundland inshores, and it is but just that a substantial equivalent should be paid by those who profit thereby.

We are therefore warranted in submitting to the commissioners that not only should the present actual advantages derived on this head by United States fishermen be taken into consideration, but also the probable effect of the concessions made in their favor. The inevitable consequence of these concessions will be to attract a larger amount of United States capital and enterprise following the profits already made in this direction, and the effect will be to inflict an injury on the local fishermen, both by the increased demand on their sources of supply and by competition with them in their trade with foreign markets. (*Ib.*, pp. 105, 106.)

* * * * * * *

CONCLUSION.

It has thus been shown that under the treaty of Washington there has been conceded to the United States—

First. The privilege of *an equal participation* in a fishery vast in area, teeming with fish, continuously increasing in productiveness, and now yielding to operatives, very limited in number when considered with reference to the field of labor, the large an-

nual return of upwards of $6,000,000, of which 20 per cent. may be estimated as net profit, or $1,200,000.

It is believed that the claim on the part of Newfoundland in respect of this portion of the privileges acquired by United States citizens under the Treaty of Washington will be confined to the most moderate dimensions when estimated at one-tenth of this amount, namely, $120,000 per annum, or, for the twelve years of the operation of the treaty, a total sum of $1,440,000. (*Ib.*, pp. 107, 108.)

To this "case" the United States Government filed an answer, and the British Government filed a reply to the answer, in which it repeated its contention:

The words "*for no other purpose whatever*" are studiously omitted by the framers of the last-named treaty, and *the privilege* IN COMMON *with the subjects of Her Britannic Majesty, to take fish and to land for fishing purposes*, clearly includes the liberty to purchase bait and supplies, transship cargoes, &c., for which *Her Majesty's Government contend it has a right to claim compensation.*

It is clear that these privileges were not enjoyed under the convention of 1818, and it is equally evident that they are enjoyed under the treaty of Washington. (*Ib.*, p. 173.)

* * * * * * *

As regards the herring fishery on the coast of Newfoundland, it is availed of to a considerable extent by the United States fishermen, and evidence will be adduced of large exportations by them in American vessels, particularly from Fortune Bay and the neighborhood, both to European and their own markets.

The presence of United States fishermen upon the coast of Newfoundland, so far from being an advantage, as is assumed in the Answer, operates most prejudicially to Newfoundland fishermen. Bait is not thrown overboard to attract the fish, as asserted, but the United States bank fishing vessels, visiting the coast in such large numbers as they do for the purpose of obtaining bait, sweep the coves, creeks, and inlets, thereby diminishing the supply of bait for local catch, and scaring it from the grounds where it would otherwise be an attraction to the cod. (*Ib.*, p. 186.)

It forms no part of my purpose in this report to adduce, in argument or proof, the manifold supports to the view now presented which the record of the diplomatic history of the fishery negotiations between the two countries or the documents and proceedings of the Halifax Commission contain. It is very apparent throughout them both that the obliteration of the sea-line of demarkation between the rights of our fishermen and those of British fishermen we regarded of principal value, as removing the sources of irritation between them and possible occasions of controversy and estrangement between the two nations. In my dispatch to Mr. Welsh of September 27, 1878, I laid before the British Government this disposition on our part as furnishing the leading purpose in the framing of the fishery articles of the treaty of Washington. I then said that—

Politically, and in the interest of good neighborhood, this government did regard, and at all times would regard, the restoration of the relations between the two countries, in the common enjoyment of these fisheries, to the ancient footing of the treaty of 1783, as most grateful in sentiment and as a most valuable guarantee against any renewal of strife.

In the British "Case" before the Halifax Commission, Her Majesty's Government definitely insisted upon this assured position of our public relations in this regard as an element of consideration in the award they asked from the Commission. Her Majesty's Government drew the attention of the Commissioners—

To the great importance attaching to the beneficial consequences to the United States of honorably acquiring for their fishermen full freedom to pursue their adventurous calling without incurring constant risks and exposing themselves and their fellow countrymen to the inevitable reproach of willfully trespassing on the rightful domain of friendly neighbors. Paramount, however, to this consideration is the avoidance of irritating disputes, calculated to disquiet the public mind of a spirited and enterprising people, and liable always to become a cause of mutual anxiety and embarrassment.

It was repeatedly stated by the American members of the Joint High Commission at Washington, in discussing proposals regarding the Canadian fisheries, "that the United States desired to secure their enjoyment, not for their commercial or intrinsic value, but for the purpose of removing a source of irritation."

The experience of our Fortune Bay fishermen in their first attempt, in the sixth year of the running of the treaty, to exercise on the coast of Newfoundland the "full freedom to pursue their adventurous calling," which Her Majesty's Government said had been honorably acquired for them by their own government, is exhibited in the papers now submitted, as is also the treatment of their grievance, and this government's presentation of it, accorded by Her Majesty's Government.

The British Government claimed before the Halifax Commission the sum of $120,000 per annum during the twelve years of the treaty period, or the gross sum of $1,440,000, for the advantage to the United States of the fishing privilege proper on the Newfoundland coast alone, conceded by the treaty, over and above the counter concessions of our inshore fishery, and the remission of duty on their fish products. The Halifax award of $5,500,000, for the Dominion of Canada and Newfoundland together, has been divided between them by the British Government, and the sum of $1,000,000 has been received by Newfoundland as its share of the money payment made by the United States under the treaty.

It will be observed that under the British view of the exposure of our fishermen at Fortune Bay to the penalties of infractions of the provincial laws, while they were enjoying in their own opinion and that of this government the full freedom of the fishery accorded by the treaty, there is no pretense that the violence offered them and the wanton destruction of their fishing property and spoliation of their draught of fishes find any warrant in the supremacy of violated laws under color of which the British Government has refused them any indemnity.

In this attitude of the British Government, as taken in the correspondence, the violent expulsion of our fishermen from their fishery on the 6th of January, 1878, by the coast fishermen of Newfoundland, seems to be justified if not espoused. This position, too, of that government necessarily carries a warning that any future attempt by our fishermen to exercise their treaty privilege, except in conformity to the local fishing regulations, will be resisted by the authority of the British Government, as well as exposed to the violence of the coast fishermen.

Under this unhappy and unexpected failure of accord between the two governments as to the measure of the inshore fishing privilege secured to our fishermen by the treaty of Washington, as developed in this correspondence, it becomes the imperative duty of this government to consider what measures should be taken to maintain the rights of our people under the treaty, as we understand them, and to obtain redress for their expulsion from the enjoyment of their rights.

So far as this diminution of these privileges calls for a reconsideration of the treaty equivalents already parted with by this government and received by Great Britain, as suitable to the failure of the privileges thus purchased and paid for, by this denial of their exercise so as to be valuable or desirable to our people, that subject necessarily must be remitted to diplomatic correspondence. The only continuing consideration the United States is paying for the treaty period, for the expected enjoyment of the treaty concession, is the remission of our customs duties upon the fish products of the provincial share in these fisheries. I respectfully advise that it be recommended to Congress to reimpose the duties upon fish and fish-oil, the products of the provincial fisheries,

as they existed before the treaty of Washington came into operation, to so continue until the two governments shall be in accord as to the interpretation and execution of the fishery articles of the treaty of Washington, and in the adjustment of the grievance of our fishermen from the infractions of their rights under that treaty.

This measure will give to our fishermen, while excluded from the enjoyment of the inshore fisheries under the continued enforcement of the British interpretation of the treaty, a restoration of the domestic market for the products of their own fishing industry, as it stood before its freedom was thrown open to the provincial fishermen in exchange for the free fishery opened to our fishermen.

I respectfully advise, also, submitting to the consideration of Congress the propriety of authorizing the examination and auditing of the claims of our fishermen for injuries suffered by the infraction or denial of their treaty privileges, with the view of some ultimate provision by convention with Great Britain or by this government for their indemnity.

WM. M. EVARTS.

LIST OF ACCOMPANYING DOCUMENTS.

No. 1. Mr. Evarts to Mr. Welsh, No. 33, March 2, 1878.
No. 2. Mr. F. W. Seward to Mr. Welsh, No. 55, April 6, 1878 (with two inclosures, printed with document No. 26).
No. 3. Mr. Evarts to Mr. Welsh, No. 67, April 26, 1878, with an inclosure.
No. 4. Mr. Hoppin to Mr. Evarts, No. 5, May 4, 1878, with three inclosures.
No. 5. Mr. F. W. Seward to Mr. Welsh, No. 125, August 13, 1878.
No. 6. Mr. Welsh to Mr. Evarts, No. 132, August 24, 1878, with an inclosure.
No. 7. Mr. Evarts to Mr. Welsh, No. 150, September 28, 1878.
No. 8. Same to same, No. 174, November 8, 1878.
No. 9. Mr. Welsh to Mr. Evarts, No. 159, November 9, 1878. One inclosure with 11 appendices annexed.
[NOTE.—The last seven of these appendices are printed with document No. 26.]
No. 10. Mr. Evarts to Mr. Welsh, No. 347, August 1, 1879, with two inclosures.
No. 11. Mr. Welsh to Mr. Evarts, No. 347, August 13, 1879, with one inclosure.
No. 12. Mr. F. W. Seward to Mr. Hoppin, No. 361, August 28, 1879.
No. 13. Mr. Evarts to Mr. Hoppin, telegram, November 20, 1879.
No. 14. Mr. Hoppin to Mr. Evarts, No. 111, November 22, 1879, with one inclosure.
No. 15. Same to same, No. 112, November 25, 1879, with one inclosure.
No. 16. Same to the same, No. 113, November 28, 1879, with one inclosure.
No. 17. Mr. Evarts to Mr. Hoppin, No. 412, January 15, 1880.
No. 18. Same to the same, telegram, February 5, 1880.
No. 19. Mr. Hoppin to Mr. Evarts, No. 143, February 7, 1880.
No. 20. Same to the same, No. 147, February 10, 1880.
No. 21. Same to the same, No. 150, February 14, 1880, with one inclosure.
No. 22. Same to the same, unofficial letter, February 14, 1880, with one inclosure.
No. 23. Mr. Evarts to Mr. Hoppin, telegram, February 26, 1880.
No. 24. Mr. Hoppin to Mr. Evarts, No. 156, February 27, 1880, with one inclosure.
No. 25. Same to the same, No. 163, March 9, 1880, with one inclosure.
No. 26. Same to the same, No. 170, April 6, 1880, with two inclosures, namely:
1. Lord Salisbury to Mr. Hoppin, April 3, 1880, with printed appendices containing depositions, &c.
2. Mr. Hoppin to Lord Salisbury, April 6, 1880.
No. 27. Mr. Evarts to Collector Babson, August 5, 1879.
No. 28. Mr. Evarts to Sir Edward Thornton, August 5, 1879.
No. 29. Report of Messrs. Babson and Foster, Boston, September 29, 1879, with accompaniments.

DOCUMENT No. 1.

Mr. Evarts to Mr. Welsh.

No. 33.] DEPARTMENT OF STATE,
Washington, March 2, 1878.

SIR: Complaints have reached the department of serious interference with American fishermen engaged during the present season in the herring fishery on the coast of Newfoundland, especially in the neighborhood of Long Harbor. The complaints come through various sources; first, from the United States consuls in that province; the consuls confining themselves, however, to general statements, based on representations made to them by fishermen immediately affected at the time of the occurrences, which form the grounds of complaints. Still more recently, however, these complaints have been preferred in a more specific manner, supported by affidavits of the masters of several fishing vessels owned and fitted out at Gloucester, Mass. From these statements it appears that about the 6th of January last no less than eight schooners from the above-named port, while engaged in the herring fishery at and in the neighborhood of Long Harbor, were attacked by the inhabitants to the number in one instance of 60 men, and in another 200 or more, and their seines, which were set and in most cases full of fish, cut and destroyed, and the fish, in one case to the amount of 5,000 barrels, and in others only less in quantity and value, scattered and run out to sea, resulting, beside the great loss of property, in the vessels being obliged to return to their home port in ballast, and also to abandon their fishing enterprise for the season.

When it is remembered at what considerable expense the preparations are made for a season's fishing in these northern latitudes, and that very many of the men, both masters and mariners, embark their all in the enterprise, the serious character of these losses may be partially understood.

Instructions have been sent to the consuls to transmit fuller information on the subject, and this will be furnished you as soon as it shall have been received. In the mean time it is deemed advisable to instruct you to bring the matter to the attention of Her Majesty's Government, and to request that it will cause an investigation to be made into the alleged facts of the case, and to adopt such measures as may be found necessary, not only to put an end to the evil, but also to prevent a recurrence of acts which, in addition to the injuries and losses to individuals, may have a tendency to complicate the good relations which so happily subsist between this government and that of Her Britannic Majesty.

I am, &c.,

W. M. EVARTS.

DOCUMENT No. 2.

Mr. F. W. Seward to Mr. Welsh.

No. 55.] DEPARTMENT OF STATE,
Washington, April 6, 1878.

SIR: Referring to instruction No. 33, addressed to you by this department, under date of 2d March last, in relation to the alleged interference by

the inhabitants of Long Harbor, Newfoundland, with certain Americans engaged in the herring fishery there, I now inclose for your information, copies of further evidence in the matter, taken at St. John's, which has been received from the consul of the United States at that place.

I am, &c.,

F. W. SEWARD,
Acting Secretary.

For inclosure No. 1, deposition of Alfred Noel, See No. 1, Appendix A, to Lord Salisbury's note of April 3, 1880. (Document No. 26.)

For inclosure No. 2, deposition of John Rumsey or Ramsey, see No. 2, Appendix A, as above.

DOCUMENT NO. 3.

Mr. Evarts to Mr. Welsh.

No. 67.] DEPARTMENT OF STATE,
Washington, April 26, 1878.

SIR: Referring to the instruction formerly addressed to you in relation to the interference, by certain fishermen of Newfoundland, with Americans engaged in the herring fishery at Fortune Bay, during the past winter, I now inclose for your further information, a copy of a dispatch of the 2d instant, No. 66, on the subject, from the commercial agent of the United States at St. Pierre, Miquelon.

I am, &c.,

WM. M. EVARTS.

[Inclosure with No. 67.]

Mr. McLaughlin to Mr. Seward.

No. 66.] COMMERCIAL AGENCY, U. S. A.,
St. Pierre, Miquelon, April 2, 1878.

SIR: I have the honor to acknowledge receipt of your dispatch (No. 49) under date 21st February, from which I learn that a report has been made to the Department of State to the effect that a number of American vessels had been obliged to leave Fortune Bay on account of the antagonism of the fishermen in that bay, who "cut their cables and set their vessels adrift;" and further, that "some fourteen or more vessels (American) had been compelled by the natives to retire from the bay" without their cargoes, and that "Captain Jacobs, of schooner Moses Adams, had been compelled to defend himself and vessel from the assaults which were made upon him."

I beg, very respectfully, to observe that Long Harbor in Fortune Bay, the locality in which the difficulties occurred, is distant from St. Pierre about 90 miles, and that during the winter months there is almost a complete cessation of communication between that harbor and St. Pierre, and that no intimation of the matters alluded to in your dispatch came to my knowledge until through the Newfoundland and Nova Scotian journals, long after the difficulties occurred, which will account for my not having made it my duty to report to the department on the subject.

Since the reception of your dispatch, which came to hand on 21st March, I have been enabled to obtain information from several parties, and among others, from an eye-witness to the matter in which Captain Jacobs was an actor, and the following (or as nearly as I can obtain it) is, I believe, reliable information.

On Sunday, 13th January, three crews of American schooners, assisted by some Newfoundlanders, put out their seines to haul herring; they all succeeded in getting large quantities in their seines, when the fishermen of the bay (Newfoundlanders) gathered together and went to each of the captains and demanded that they should let the herring go out of their seines, under the pretext that as they (the natives) did not seine on the Sabbath, and as it was contrary to law, they would not allow it to be

done by foreigners. The first captain they addressed (Capt. James McDonald, of schooner F. A. Smith) acceded to their demands and took up his seine; the second, Captain Jacobs, of schooner Moses Adams, had in the mean time run his herring into another seine belonging to a seine-master (Mr. Farroll, of Fortune Bay, who was working with him, and which was moored inside of his own); he took up his own seine into his boat, but refused to let the herring out of the other one. On some threatening language being used by the fishermen, he drew a revolver and declared he would shoot the first man who would seek to injure him or his seine. He finally rowed aboard his schooner, which was moored at a short distance. The natives then went to Captain Dago, of the schooner New England, and demanded that he should trip his seine and let out the herring; this he firmly refused to do. The fishermen then let the herring out and hauled the seine ashore and run it up the beach, tearing and breaking it in pieces.

From what I can learn, the statement that the schooners were obliged to leave the bay on account of the antagonism of the natives, is inexact, as they still continued to try during the week-days with the same seines (except Captain Dago's, which was destroyed) for a fortnight or more after the before-related occurrences without any hinderance whatever on the part of the natives, and it is asserted that it was owing to the exceedingly mild season and consequent impossibility to freeze herring, for which purpose the schooners alluded to were fitted out, that they left without their cargoes, and that considerable herring had been taken from time to time, but after having tried to freeze them, they were repeatedly obliged to sell them to the vessels loading salt-herring. This reason appears to be very likely the correct one, as I can hear no account whatever of any vessels having had their cables cut, or of any other serious difficulty having occurred other than the one alluded to 13th January.

In the winter of 1876–'77 a similar case occurred, one of the American seines being put out on Sunday by the crew, in charge of a Newfoundlander as seine-master, Jeremiah Petites. The people of the bay demanded that the seine should not be hauled, and it was accordingly tripped and taken up by the owners, no further difficulty occurring.

I make these observations in order to show as fully as possible the probably real state of the matter, and under the impression from all I can hear that the reports made to the department, and as related in your dispatch, are more or less incorrect. I think there exists a very decided feeling of hostility on the part of the Newfoundlanders to the use of the large seines by American fishermen in their waters, but have no reason to believe that any action has ever been taken to prevent their hauling or to injure them in any way, except when hauling on Sunday; at same time it is quite probable that they have seized on the occasion thus afforded to show their dislike to seines being used by Americans in competition with their own.

I have the honor to be, sir, very respectfully, &c.,

W. F. McLAUGHLIN,
Vice Commercial Agent, United States of America.

Document No. 4.

Mr. Hoppin to Mr. Evarts.

No. 5.] Legation of the United States,
London, May 4, 1878.

Sir: Referring to instructions Nos. 33 and 55, from the Department of State, dated on the 2d of March and 6th of April respectively, in relation to the alleged interference by the inhabitants of Long Harbor, Newfoundland, with certain Americans engaged in the herring fishery there, I have the honor to inclose a copy of the correspondence on that subject which has passed between this legation and the British Foreign Office.

In the absence of directions to that effect it has not been thought necessary to send to Lord Salisbury copies of the further evidence in relation to the matter inclosed in Mr. Seward's No. 55 of the 6th of April last.

I have, &c.,

WILLIAM J. HOPPIN.

[Inclosure 1 with No. 5.]

Mr. Welsh to Earl of Derby.

LEGATION OF THE UNITED STATES,
London, March 19, 1878.

MY LORD: I have the honor to acquaint your lordship that complaints have reached the Department of State at Washington of serious interference with American fishermen engaged during the present season in the herring fishery on the coast of Newfoundland, especially in the neighborhood of Long Harbor. The complaints come from various sources: first, from the United States consuls in that province; the consuls confining themselves, however, to general statements based on representations made to them by fishermen immediately affected at the time of the occurrences which form the grounds of the complaints. Still more recently, however, these complaints have been preferred in a more specific manner, supported by affidavits of the masters of several fishing vessels owned and fitted out at Gloucester, Mass.

From these statements it appears that, about the 6th of January last, no less than eight schooners from the above-named port, while engaged in the herring fishery at and in the neighborhood of Long Harbor, were attacked by the inhabitants to the number in one instance of 60 men, and in another 200 or more, and their seines, which were set, and in most cases full of fish, cut and destroyed, and the fish in one case to the amount of 5,000 barrels, and in others only less in quantity and value, scattered and run out to sea, resulting, besides the great loss of property, in the vessels being obliged to return to their home port in ballast, and also to abandon their fishing enterprise for the season.

When it is remembered at what considerable expense the preparations are made for a season's fishing in these northern latitudes, and that very many of the men, both masters and mariners, embark their all in the enterprise, the serious character of these losses may be partially understood.

Instructions have been sent to the consuls to transmit fuller information on the subject, and I am advised that this will be furnished to me so soon as it shall have been received by the Department of State.

In the mean time, I am instructed to bring the matter to the attention of Her Majesty's Government, and to request that it will cause an investigation to be made into the alleged facts of the case, and adopt such measures as may be found necessary not only to put an end to the evil, but also to prevent a recurrence of acts which, in addition to the injuries and losses by individuals, may have a tendency to complicate the good relations which so happily subsist between the Government of the United States and that of her Britannic Majesty.

I have, &c.,

JOHN WELSH.

[Inclosure 2 in No. 5.]

Lord Derby to Mr. Welsh.

FOREIGN OFFICE, *March* 25, 1878.

SIR: I have the honor to acknowledge the receipt of your letter of the 19th instant, stating that you have been instructed by your government to make a representation to Her Majesty's Government relative to the differences which have arisen between British and United States fishermen on the coast of Newfoundland, and I have to inform you in reply, that the matter shall receive due consideration.

I have, &c.

DERBY.

[Inclosure 3 with No. 5.]

Lord Salisbury to Mr. Hoppin.

FOREIGN OFFICE, *May* 3, 1878.

SIR: I referred to Her Majesty's secretary of state for the colonies Mr. Welsh's letter of the 19th of March, upon the subject of the disputes which had taken place between British and United States fishermen on the coast of Newfoundland, and I have the honor to acquaint you that I am informed that inquiries are being instituted into the matter both by the authorities of Newfoundland and by the senior naval officer on the station, on learning the result of which I shall have the honor of addressing a further communication to you.

I have, &c.

SALISBURY.

DOCUMENT No. 5.

Mr. F. W. Seward to Mr. Welsh.

No. 125.] DEPARTMENT OF STATE,
Washington, August 13, 1878.

SIR: Referring to Mr. Hoppin's dispatch No. 5, of the 4th of May last, in regard to the interference by certain inhabitants of the coast of Newfoundland with American fishermen, in which it was stated that an investigation was being made into the matter by the colonial authorities, and that the result thereof would be communicated to the legation, I desire to be informed, in the absence of further intelligence from you upon the subject, whether you have received any additional particulars from the British Government. If not, you are instructed to request Her Majesty's Government to advise you of the progress of the inquiry. You will transmit whatever information may be obtained to the Department.

I am, &c.

F. W. SEWARD,
Acting Secretary.

DOCUMENT No. 6.

Mr. Welsh to Mr. Evarts.

No. 132.] LEGATION OF THE UNITED STATES,
London, August 24, 1878. (Received September 4.)

SIR: Referring to your Nos. 33, 55, and 67, and to Mr. Hoppin's No. 5, relating to certain alleged outrages upon American fishermen committed on the coast of Newfoundland, I have the honor to inform you that I have received a note from Lord Salisbury, inclosing the report of Captain Sulivan, of Her Majesty's ship Sirius, upon these occurrences. I transmit herewith copies both of Lord Salisbury's note and of its inclosure.

I have, &c.,

JOHN WELSH.

[Inclosure in No. 132.]

Lord Salisbury to Mr. Welsh.

FOREIGN OFFICE, *August* 23, 1878.

SIR: Her Majesty's Government have had under their consideration your letter of the 19th of March, making representations relative to certain disturbances which occurred in January last, between British and United States fishermen at Fortune Bay, on the coast of Newfoundland, and requesting, in accordance with the instructions of your government, that an investigation might be made into the alleged facts of the case; and I have now the honor to transmit to you, for your information and for communication to your government, the accompanying copy of a report drawn up by Captain Sulivan, R. N., of Her Majesty's ship Sirius, the officer intrusted with the duty of instituting an inquiry into the matter on the spot.

You will perceive that the report in question appears to demonstrate conclusively that the United States fishermen on this occasion had committed three distinct breaches of the law, and that no violence was used by the Newfoundland fishermen except in the case of one vessel whose master refused to comply with the request which was made to him that he should desist from fishing on Sunday, in violation of the law of the colony and of the local custom, and who threatened the Newfoundland fishermen with a revolver, as detailed in paragraphs five and six of Captain Sulivan's report.

I have the honor to be, &c.,

SALISBURY.

[Appendix to inclosure in No. 132.]

Report on the differences that arose between British and United States fishermen in January, 1878, by Capt. George Lydiaard Sulivan, of her Majesty's ship Sirius.

Having carefully weighed the evidence given on oath before me by Newfoundland fishermen present at the time, together with that inclosed in the correspondence forwarded for my perusal, I am of opinion—

1. That the Americans were using seines for catching herring on the 6th of January, 1878, in direct violation of Title XXVII, chapter 102, section 1, of the consolidated statutes of Newfoundland, viz: "No person shall haul or take herring by or in a seine or other such contrivance on or near any part of the coast of this colony or of its dependencies, or in any of the bays, harbors, or other places therein, at any time between the 20th day of October and the 25th day of April."

2. That the American captains were setting and putting out seines and hauling and taking herring on Sunday, the 6th January, in direct violation of section 4, chap. 7, of the act passed 26th April, 1876, entitled "An act to amend the law relating to the coast fisheries," viz: "No person shall, between the hours of twelve o'clock on Saturday night and twelve o'clock on Sunday night haul or take any herring, caplin, or squid with net, seines, bunts, or any such contrivance for the purpose of such hauling or taking."

3. That they were barring fish in direct violation of the continuance of the same act, Title XXVII, chap. 102, section 1, of the consolidated statutes of Newfoundland, "or at any time use a seine or other contrivance for the catching or taking of herrings, except by way of shooting and forthwith hauling the same."

4. That, contrary to the terms of the Treaty of Washington, in which it is expressly provided that they do not interfere with the rights of private property or with British fishermen in the peaceable use of any part of the said coasts in their occupancy for the same purpose (see article 18 of the above-named treaty), they were fishing illegally, interfering with the rights of British fishermen and their peaceable use of that part of the coast, then occupied by them, and of which they were actually in possession—their seines and boats, their huts, gardens, and land granted by government being situated thereon.

5. It is distinctly shown in the evidence that the cause of the difference commenced with the Americans by their persisting in shooting their seines on the Sunday, as the Englishmen who worked for them would not do it on that day, not only on account of its being illegal, but of their religious regard for the Sabbath, which is always strictly kept by them, and, although it must be observed that the result of this illegal fishing would have been that the Americans would have secured the whole of the herring in the bay on that day, to the exclusion of the rights and fair chances of all the others during the week, yet there is no evidence to prove that this or anything else but the fact of its being Sunday and the law and custom among themselves regarding it prompted them to demand that the seines should be withdrawn.

6. It is shown by the evidence of all those witnesses present at the time when the Americans were remonstrated with, and told to take their seines up prior to any serious steps being taken, and it is also distinctly proved that no violence was resorted to until after the exasperating conduct of Captain Jacobs, the American master of a schooner concerned in this illegal fishing, who threatened them with a revolver if they prevented him or interfered with his seine.

7. It does not appear that the native fishermen were aware of the illegality of hauling a seine in the month of January. It is, therefore, to be presumed that the Americans were also ignorant of that law, although their ignorance cannot exonerate them from the breach, nor does it exonerate John Hickey, an Englishman, who is charged with the same offense, and whom it is my intention to summon before me to answer to that charge.

8. The statement of the Americans that they were compelled to leave the harbor and leave off fishing is entirely without foundation, which is proved by the evidence of those examined before me, among whom was Mr. Snellgrove, collector of customs, who was there a week after the occurrence, and communicated with them, and by the evidence of others to the effect that they remained for about a fortnight or more "until the herring slacked," and, with respect to their loss of the haul of herring by the seine being emptied, the fish were not their lawful property, having been illegally caught.

In support of this view of the conduct of the Americans, I am not only borne out by the evidence of the Fortune Bay fishermen, who made their statements in a remarkably frank and straightforward manner, but by the self-conflicting evidence of those very Americans themselves, whose depositions given on oath show them to have been illegally fishing, and who were liable thereby to the forfeiture of their seines, nets, &c., by chap. 102, section 12, of the consolidated statutes.

GEORGE L. SULIVAN,
Captain and Senior Officer.

DOCUMENT No. 7.

Mr. Evarts to Mr. Welsh.

No. 150.] DEPARTMENT OF STATE,
Washington, September 28, 1878.

SIR: I received in due course your dispatch of August 24 ultimo, inclosing Lord Salisbury's reply of the British Government to the representations that had been made to it as early as March last by you, under instructions from the Department.

I must understand Lord Salisbury's note, accompanying the copy of Captain Sulivan's report, which he communicates to this government, as adopting that naval officer's conclusions of fact respecting the violent injuries which our fishing-fleet suffered at the hands of the Newfoundland fishing population at Fortune Bay, in January of this year, as the answer which Her Majesty's Government makes to the representations laid before it on our part, verified by the sworn statements of numerous and respectable witnesses.

His lordship has not placed in our possession the proofs or depositions which form the basis of Captain Sulivan's conclusions of fact, and I am unable, therefore, to say whether, upon their consideration, the view which this government takes of these transactions, upon the sworn statements of our own respectable citizens, would be at all modified. In the absence of these means of correcting any mistakes or false impressions which our informants may have fallen into in their narrative of the facts, it is impossible to accept Captain Sulivan's judgment upon undisclosed evidence as possessing judicial weight.

You will, therefore, lay before Her Majesty's Government the desire which this government feels to be able to give due weight to this opposing evidence, before insisting upon the very grave view of these injuries which, at present, its unquestionable duty to the interests which have suffered them, and its confidence in the competency and sobriety of the proofs in our possession, compels this government to take. Should Her Majesty's Government place a copy of the evidence upon which Captain Sulivan bases his report in your hands, you will lose no time in transmitting it for consideration. I regret that any further delay should thus intervene to prevent an immediate consideration of the *facts* in the matter by the two governments in the presence of the same evidence of those facts for their scrutiny and judgment.

But a careful attention to Lord Salisbury's note discovers what must be regarded as an expression of his views, at least, of the authority of provincial legislation and administrative jurisdiction over our fishermen within the three-mile line, and of the restrictive limitations upon their rights on these fishing-grounds under the Treaty of Washington. Upon any aspect of the evidence, on one side and the other, as qualifying the violent acts from which our fishing-fleet has suffered at the hands of the Newfoundland coast-fishermen, the views thus intimated seem to this Government wholly inadmissible, and do not permit the least delay on our part in frankly stating the grounds of our exception to them.

The report of Captain Sulivan presents, as a justificatory support of the action of the Newfoundland shore-fishermen, in breaking up the operations of our fishing-fleet inside the three-mile line, at the times covered by these transactions, the violation of certain municipal legislation of the Newfoundland Government which, it is alleged, our fishermen were in the act of committing when the violent interruption of their industry occurred. I do not stop to point out the serious distinction between the

official and judicial execution of any such laws and the orderly enforcement of their penalties after solemn trial of the right, and the rage and predominant force of a volunteer multitude driving off our peaceful occupants of these fishing-grounds pursuing their industry under a claim of right secured to them by treaty. I reserve this matter for a complete examination when the conflicting proofs are in my possession.

I shall assume, for my present purpose, that the *manner* of exerting this supposed provincial authority was official, judicial, and unexceptionable.

I will state these justifications for the disturbance of our fishing-fleet in Captain Sulivan's own language, that I may not even inadvertently impute to Lord Salisbury's apparent adoption of them any greater significance than their very language fairly imports.

Captain Sulivan assigns the following violations of law by our fishermen as the grounds of rightful interference with them on the occasion in question:

1st. That the Americans were using seines for catching herring on the 6th of January, 1878, in direct violation of Title XXVII, chapter 102, section 1, of the consolidated statutes of Newfoundland, viz: "No person shall haul or take herring by or in a seine or other such contrivance on or near any part of the coast of this colony or of its dependencies, or in any of the bays, harbors, or other places therein, at any time between the 20th day of October and the 25th day of April."

2d. That the American captains were setting and putting out seines and hauling and taking herring on Sunday, the 6th January, in direct violation of section 4, chapter 7, of the act passed 26th April, 1876, entitled "An act to amend the law relating to the coast fisheries," viz: "No person shall, between the hours of twelve o'clock on Saturday night and twelve o'clock on Sunday night, haul or take any herring, caplin, or squid, with net, seines, bunts, or any such contrivance for the purpose of such hauling or taking."

3d. That they were barring fish in direct violation of the continuance of the same act, Title XXVII, chapter 102, section 1, of the consolidated statutes of Newfoundland, "or at any time use a seine or other contrivance for the catching or taking of herrings, except by way of shooting and forthwith hauling the same."

4th. That contrary to the terms of the Treaty of Washington, in which it is expressly provided that they do not interfere with the rights of private property or with British fishermen in the peaceable use of any part of the said coasts in their occupancy for the same purpose (see Article XVIII, of the above-named treaty), they were fishing illegally, interfering with the rights of British fishermen and their peaceable use of that part of the coast then occupied by them, and of which they were actually in possession—their seines and boats, their huts, gardens, and land granted by government being situated thereon.

The facts which enter into the offenses imputed under the first, second, and third heads of Captain Sulivan's statement, and such offenses thus made out, would seem to be the only warrant for his conclusion under his fourth head, that the United States fishermen have exceeded their treaty right, and in their actual prosecution of their fishing were, when interrupted by the force complained of, interfering with the rights of private property or with British fishermen in the peaceable use of that part of the coast then being in their occupancy for the same purpose, contrary to the proviso of Article XVIII of the Treaty of Washington.

It is no part of my present purpose to point out that this alleged infraction of the reserved rights of the local fishermen does not justify the methods of correction or redress used to drive off our fishermen and break up their prosecution of the fishing. This may be reserved also for discussion when both governments have a fuller knowledge of the actual circumstances of the transaction.

In transmitting to you a copy of Captain Sulivan's report, Lord Salisbury says: "You will perceive that the report in question appears to demonstrate conclusively that the United States fishermen on this occasion had committed three distinct breaches of the law."

In this observation of Lord Salisbury, this government cannot fail to see a necessary implication that Her Majesty's Government conceives that in the prosecution of the right of fishing accorded to the United States by Article XVIII of the treaty, our fishermen are subject to the local regulations which govern the coast population of Newfoundland in their prosecution of their fishing industry, whatever those regulations may be, and whether enacted before or since the Treaty of Washington.

The three particulars in which our fishermen are supposed to be constrained by actual legislation of the province cover in principle every degree of regulation of our fishing industry within the three-mile line which can well be conceived. But they are, in themselves, so important and so serious a limitation of the rights secured by the treaty as practically to exclude our fishermen from any profitable pursuit of the right, which, I need not add, is equivalent to annulling or cancelling by the Provincial Government of the privilege accorded by the treaty with the British Government.

If our fishing-fleet is subject to the Sunday laws of Newfoundland, made for the coast population; if it is excluded from the fishing-grounds for half the year, from October to April; if our "seines and other contrivances" for catching fish are subject to the regulations of the legislature of Newfoundland, it is not easy to see what firm or valuable measure for the privilege of Article XVIII, as conceded to the United States, this government can promise to its citizens under the guaranty of the treaty.

It would not, under any circumstances, be admissible for one government to subject the persons, the property, and the interests of its fishermen to the unregulated regulation of another government upon the suggestion that such authority will not be oppressively or capriciously exercised, nor would any government accept as an adequate guaranty of the proper exercise of such authority over its citizens by a foreign government, that, presumptively, regulations would be uniform in their operation upon the subjects of both governments in similar case. If there are to be regulations of a common enjoyment, they must be authenticated by a common or joint authority.

But most manifestly the subject of the regulation of the enjoyment of the shore fishery by the resident provincial population, and of the inshore fishery by our fleet of fishing-cruisers, does not tolerate the control of so divergent and competing interests by the domestic legislation of the provinces. Protecting and nursing the domestic interest at the expense of the foreign interest, on the ordinary motives of human conduct, necessarily shape and animate the local legislation. The evidence before the Halifax Commission makes it obvious that to exclude our fishermen from catching bait, and thus compel them to go without bait, or buy bait at the will and price of the provincial fishermen, is the interest of the local fishermen, and will be the guide and motive of such domestic legislation as is now brought to the notice of this Government.

You will therefore say to Lord Salisbury that this Government cannot but express its entire dissent from the view of the subject that his lordship's note seems to indicate. This Government conceives that the fishery rights of the United States, conceded by the Treaty of Washington, are to be exercised wholly free from the restraints and regulations of the statutes of Newfoundland, now set up as authority over our fishermen, and from any other regulations of fishing now in force or that may hereafter be enacted by that government.

It may be said that a just participation in this common fishery by the

two parties entitled thereto may, in the common interest of preserving the fishery and preventing conflicts between the fishermen, require regulation by some competent authority. This may be conceded. But should such occasion present itself to the common appreciation of the two governments, it need not be said that such competent authority can only be found in a joint convention that shall receive the approval of Her Majesty's Government and our own. Until this arrangement shall be consummated, this Government must regard the pretension that the legislation of Newfoundland can regulate our fishermen's enjoyment of the treaty right as striking at the treaty itself.

It asserts an authority on one side, and a submission on the other, which has not been proposed to us by Her Majesty's Government, and has not been accepted by this Government. I cannot doubt that Lord Salisbury will agree that the insertion of any such element in the Treaty of Washington would never have been accepted by this Government, if it could reasonably be thought possible that it could have been proposed by Her Majesty's Government. The insertion of any such proposition by construction now is equally at variance with the views of this Government.

The representations made to this Government by the interests of our citizens affected leave no room to doubt that this assertion of authority is as serious and extensive in practical relations as it is in principle. The rude application made to the twenty vessels in Fortune Bay of this asserted authority, in January last, drove them from the profitable prosecution of their projected cruises. By the same reason, the entire inshore fishery is held by us upon the same tenure of dependence upon the Parliament of the Dominion or the legislatures of the several Provinces.

I cannot but regret that this vital question has presented itself so unexpectedly to this Government, and at a date so near the period at which this Government, upon a comparison of views with Her Majesty's Government, is to pass upon the conformity of the proceedings of the Halifax Commission with the requirements of the Treaty of Washington. The present question is wholly aside from the considerations bearing upon that subject, and which furnishes the topic of my recent dispatch.

In the opinion of this Government, it is essential that we should at once invite the attention of Lord Salisbury to the question of provincial control over the fishermen of the United States in their prosecution of the privilege secured to them by the treaty. So grave a question, in its bearing upon the obligations of this Government under the treaty, makes it necessary that the President should ask from Her Majesty's Government a frank avowal or disavowal of the paramount authority of Provincial legislation to regulate the enjoyment by our people of the inshore fishery, which seems to be intimated, if not asserted, in Lord Salisbury's note.

Before the receipt of a reply from Her Majesty's Government, it would be premature to consider what should be the course of this Government should this limitation upon the treaty privileges of the United States be insisted upon by the British Government as their construction of the treaty.

You will communicate this dispatch to Lord Salisbury by reading the same to him and leaving with him a copy.

I am, sir, &c.,

WM. M. EVARTS.

DOCUMENT No. 8.

Mr. Evarts to Mr. Welsh.

No. 174.] DEPARTMENT OF STATE,
Washington, November 8, 1878.

SIR: Your cable dispatch of this date, giving a summary of the prominent points of the reply of Lord Salisbury to my communication of the 28th of September, has been duly received. It is deemed proper to reserve comments thereon until the full text shall be received by mail.

I am, &c.,

WM. M. EVARTS.

DOCUMENT No. 9.

Mr. Welsh to Mr. Evarts.

No. 159.] LEGATION OF THE UNITED STATES,
London, November 9, 1878. (Received November 20.)

SIR: I received from Lord Salisbury, late in the evening of the 7th instant, his reply to your dispatch, No. 150, of the 28th of September last, in relation to the disturbance of American fishermen by certain inhabitants of Newfoundland. I sent you by cable yesterday, in cipher, such a summary of this reply as our limited time enabled us to prepare, and I now inclose two copies of the letter in print, with which we have been furnished through the courtesy of the foreign office.

I have, &c.,

JOHN WELSH.

[Inclosure in No. 159.]

The Marquis of Salisbury to Mr. Welsh.

FOREIGN OFFICE, *November* 7, 1878.

SIR: Her Majesty's Government have had under their consideration the dispatch from Mr. Evarts, dated the 28th September, and communicated to me on the 12th ultimo, respecting the complaints made by the Government of the United States of the injuries sustained by American fishermen in Fortune Bay in January last.

This dispatch is in reply to my letter of the 23d August, in which I forwarded a copy of the report furnished by Captain Sulivan, of Her Majesty's ship Sirius, on the occurrences in question. Mr. Evarts now remarks that the United States Government have not been put in possession of the depositions which form the basis of that report, and are unable, therefore, to say whether, upon their consideration, the view which the Government of the United States takes of these transactions upon the sworn statements of their own citizens would be at all modified.

Her Majesty's Government have not had the opportunity of considering the statements in question; but the depositions which accompanied Captain Sulivan's report, and which I now have the honor to forward, appeared to them, in the absence of other testimony, to be conclusive as regards the facts of the case.

Apart, however, from the facts, in respect to which there appears to be a material divergence between the evidence collected by the United States Government and that collected by the colonial authorities, Mr. Evarts takes exception to my letter of the 23d, on the ground of my statement that the United States fishermen concerned have been guilty of breaches of the law. From this he infers an opinion on my part that it is competent for a British authority to pass laws, in supersession of the treaty, binding American fishermen within the three-mile limit. In pointing out that the American fishermen had broken the law within the territorial limits of Her Majesty's dominions, I had no intention of inferentially laying down any principles of interna-

tional law; and no advantage would, I think, be gained by doing so to a greater extent than the facts in question absolutely require.

I hardly believe, however, that Mr. Evarts would in discussion adhere to the broad doctrine which some portion of his language would appear to convey, that no British authority has a right to pass any kind of laws binding Americans who are fishing in British waters; for if that contention be just, the same disability applies *à fortiori* to any other power, and the waters must be delivered over to anarchy. On the other hand, Her Majesty's Government will readily admit—what is, indeed, self-evident—that British sovereignty, as regards those waters, is limited in its scope by the engagements of the treaty of Washington, which cannot be modified or affected by any municipal legislation. I cannot anticipate that with regard to these principles any difference will be found to exist between the views of the two governments.

If, however, it be admitted that the Newfoundland legislature have the right of binding Americans who fish within their waters by any laws which do not contravene existing treaties, it must further be conceded that the duty of determining the existence of any such contravention must be undertaken by the governments, and cannot be remitted to the discretion of each individual fisherman. For such a discretion, if exercised on one side, can hardly be refused on the other. If any American fisherman may violently break a law which he believes to be contrary to treaty, a Newfoundland fisherman may violently maintain it if he believes it to be in accordance with treaty. As the points in issue are frequently subtle, and require considerable legal knowledge, nothing but confusion and disorder could result from such a mode of deciding the interpretation of the treaty.

Her Majesty's Government prefer the view that the law enacted by the legislature of the country, whatever it may be, ought to be obeyed by natives and foreigners alike who are sojourning within the territorial limits of its jurisdiction; but that if a law has been inadvertently passed which is in any degree or respect at variance with rights conferred on a foreign power by treaty, the correction of a mistake so committed, at the earliest period after its existence shall have been ascertained and recognized, is a matter of international obligation.

It is not explicitly stated in Mr. Evarts's dispatch that he considers any recent acts of the colonial legislature to be inconsistent with the rights acquired by the United States under the treaty of Washington. But if that is the case, Her Majesty's Government will in a friendly spirit consider any representations he may think it right to make upon the subject, with the hope of coming to a satisfactory understanding.

I have, &c.,

SALISBURY.

[Appendix 1 to inclosure No. 159.]

Captain Sulivan to Vice-Admiral Sir E. Inglefield.

"SIRIUS, ST. JOHN'S, NEWFOUNDLAND, *June* 19, 1878.

SIR: I have the honor to inform you that, in obedience to your orders, I left Halifax on Saturday, the 8th instant, and proceeded to Fortune Bay, for the purpose of inquiring into the circumstances connected with the quarrel between the English and American fishermen in Long Harbor in January last, arriving off Brunet Island on the evening of Monday, the 10th. I anchored there for the night, the weather being thick, with fogs gathering; and on the evening of the 11th weighed and proceeded to Long Harbor, at the entrance of which the same afternoon I learnt that the Pert was at the head of the harbor (about 9 miles off). I therefore proceeded through the narrows and anchored in 6 fathoms about 7 miles from the entrance, and observed the Pert anchored about 3 miles farther in, when I recalled her, and on the following day anchored in company with her 4 miles farther down off Tickle Beach, where we found the disturbance of January last had taken place.

2. On this beach are two huts, occupied by fishermen who witnessed the affair, and having taken their evidence, which, with other evidence subsequently taken, will be forwarded with my report hereafter, we proceeded to Metter's Cove, where a fisherman named Tharnell and another were examined on the same subject.

3. From information given by them I proceeded to St. Jacques the same afternoon, where, from Mr. Snellgrove, subcollector of customs, who was present at Tickle Beach shortly after the disturbance, and others who had witnessed the whole transaction, I obtained further important evidence, which, with my report, will be forwarded at the earliest opportunity when complete.

4. There have been at these places several complaints made to me on various subjects by some of the witnesses, disputes relative to land property, and reports of barring herring, one being that a seine had been laid for this illegal purpose, and had been so for some days; in consequence of which I directed Captain Aitchison to proceed to the spot said to be barred, and ascertain the truth of the information.

5. The Pert rejoined at St. Jacques, and reported having found the seine as described, and taken possession of it. In other cases of complaint, I was only able to take the evidence of those witnesses present at the time, but in the absence of others away fishing, I had to postpone the cases until my return from St. John's.

6. On Monday, the 17th, I directed the Pert to proceed to St. John's to coal, prior to her leaving for the east coast, and the same afternoon I left St. Jacques in this ship for St. John's, where I arrived yesterday at 7 p. m., the mail from England for Halifax arriving a few hours afterward, and leaving early this morning.

7. I am unable to forward more than this letter, as the report on the subject of the American outrage is not complete; but the evidence is most complete, the witnesses corroborating each other, and goes completely to prove the Americans were entirely in the wrong, and brought the quarrel on themselves, first by illegally fishing, and then by threatening them with a revolver.

8. I found on arrival the Contest at anchor, and the Pert arrived this morning, to await further orders.

I have, &c.,

GEO. L. SULIVAN.

[Appendix 2 to inclosure in No. 159.]

Captain Sulivan to Rear-Admiral Sir E. Inglefield.

SIRIUS, ST. JOHN'S, *June* 21, 1878.

SIR: In obedience to your orders dated the 8th instant, in which I am directed to inquire into the differences which arose between British and United States fishermen in Fortune Bay in January last, I have the honor herewith to inclose the evidence obtained from several witnesses, together with my report on the subject; and, in further remarking thereon, desire to call your attention to those points in the evidence which have led me to the conclusions contained in that report.

It will be seen therein that there are four statutes which bear on the subject, and which have been infringed by the American fishermen, viz: Act. cap. 6, 1876, in amendment of consolidated statutes (1872): cap. 102, the proviso of the same as regards barring.

By the same act, 1876, sec. 4, and art. 18 of the treaty of Washington—

1. With respect to the first of these, the witness Silas Fudge says: "I witnessed the disturbance at Long Harbor on Sunday, the 6th January last; I am certain it was the 6th; I saw the seines in the water, two of them Americans, again. He (*i. e.*, Jacobs, an American) had his in the boat; he had shot once and discharged his seine into Farrel's, who was working for him."

John Cluett stated that he was in Long Harbor on Sunday in January last. "They (the Americans) commenced hauling herring on Sunday about midday; the first American seine shot was that of Jacobs; there were two more American seines shot. He (Jacobs) had just hauled herring and shot them into Farrel's seine, who was working for him; we remonstrated about breaking the law and fishing Sundays."

All the evidence of the other witnesses is corroborative of the above; and the fact is even acknowledged by the Americans in their own evidence, as appears by the statements inclosed in the correspondence on this subject. It is therefore evident that they were illegally fishing, using seines, and hauling herring in January last contrary to the above-quoted statute, which prohibits the same between the 20th October and 25th April in any year.

2. That the American captains were setting and putting out seines and hauling and taking herring on Sunday, the 6th January, in direct violation of sec. 4, cap. 6. This is proved by the evidence of all the witnesses.

John Saunders says: "In January last—one Sunday, I don't know the date—the Americans laid out their seines, assisted by the English employed by them; the Newfoundlanders told them to take them up, as it was not legal their fishing on Sundays; there was no other reason for destroying nets but for fishing on Sundays. They went to McCauley, who had laid his seine out for barring herring; the Newfoundlanders said it should not be done on a Sabbath day."

3. That the Americans were barring herring, that is, confining them in the seines for a considerable time, instead of forthwith hauling them. By the evidence of Silas Fudge "He (Captain Jacobs) had shot once and discharged his seine into Tom Farrel's, who was working for him."

John Saunders says: "Jacobs upset his seine into Farrel's seine, who was employed by him. Farrel was barring for the Americans, and was not allowed by Jacobs to haul his seine."

Mark Bolt says: "The Americans do not bar fish; this was the first time I ever knew them to do so."

Richard Hendricken says: "Samuel Jacobs would persist in hauling, and hauled once and barred them in Farrel's net. Farrel was working for them, and had been barring herring for several days, perhaps about a fortnight, by the Americans' orders. I believe it is illegal barring herring, but we have no power to stop it; it is no good telling a magistrate; they take no notice of him."

4. That they were interfering with the rights of British fishermen in their peaceable use of that part of the coast occupied by them, &c. By all the evidence given, it occurred on Tickle Beach, Long Harbor, on which, as was seen by us, was a Newfoundland fishing settlement, the land being granted by government, as stated by Mark Bolt, who says: "I have been in the neighborhood fourteen or fifteen years. The ground I occupy, 150 feet, was granted me for life by government, and for which I now pay a fee; there are two families on the beach; there were three in the winter: our living is dependent on our fishing off this settlement."

The above are the main points in the evidence on which my report is founded.

In conclusion, I beg to inform you that I have forwarded a copy of the report to his Excellency the governor of Newfoundland and the duplicate direct to their lordships, in order to insure their receiving it at the same time as the colonial office will.

I have, &c.,

GEO. L. SULIVAN.

[Appendix 3 to inclosure 1 in No. 159.]

Report on differences that arose between British and United States fishermen in January, 1878, *by Captain Sulivan, of Her Majesty's ship Sirius.*

Having carefully weighed the evidence given on oath before me by Newfoundland fishermen present at the time, together with that inclosed in the correspondence forwarded for my perusal, I am of opinion—

1. That the Americans were using seines for catching herring on the 6th January, 1878, in direct violation of Title XXVII, chap. 102, sec. 1, of the consolidated statutes of Newfoundland, viz: "No person shall haul or take herring by or in a seine, or other such contrivance, on or near any part of the coast of this colony or of its dependencies, or in any of the bays, harbors, or other places therein, at any time between the 20th day of October and the 25th day of April."

2. That the American captains were setting and putting out seines and hauling and taking herring on Sunday, the 6th January, in direct violation of sec. 4, chap. 7, of the act passed 26th April, 1876, entitled, "An act to amend the law relating to the coast fisheries," viz: "No person shall, between the hours of twelve o'clock on Saturday night and twelve o'clock on Sunday night haul or take any herring, caplin, or squid, with net seines, bunts, or any such contrivance, or set or put out any such net, seine, bunt, or contrivance, for the purpose of such hauling or taking."

3. That they were barring fish in direct violation of the continuance of the same act, Title XXVII, chap. 102, sec. 1, of the consolidated statutes of Newfoundland, "or at any time use a seine or other contrivance for the catching or taking of herrings, except by way of shooting and forthwith hauling the same."

4. That, contrary to the terms of the treaty of Washington, in which it is expressly provided that they do not interfere with the rights of private property, or with British fishermen in the peaceable use of any part of the said coasts in their occupancy for the same purpose (see Article XVIII of the above-named treaty), they were fishing illegally, interfering with the rights of British fishermen and their peaceable use of that part of the coast then occupied by them, and of which they were actually in possession, their seines and boats, their huts, gardens, and land granted them by government being situated thereon (see Mark Bolt's evidence).

5. It is distinctly shown in the evidence that the cause of the difference commenced with the Americans by their persisting in shooting their seines on the Sunday, as the Englishmen who worked for them would not do it on that day, not only on account of its being illegal, but of their religious regard for the Sabbath, which is always strictly kept by them; and although it must be observed that the result of this illegal fishing would have been that the Americans would have secured the whole of the herring in the bay on that day to the exclusion of the rights and fair chances of all the others during the week, yet there is no evidence to prove that this, or anything else but the fact of its being Sunday, and the law and custom among themselves regarding it, prompted them to demand that the seines should be withdrawn.

6. It is shown by the evidence of all those witnesses present at the time that the Americans were remonstrated with, and told to take their seines up prior to any serious steps being taken, and it is also distinctly proved that no violence was resorted to until after the exasperating conduct of Captain Jacobs, the American master of a schooner concerned in this illegal fishing, who threatened them with a revolver if they prevented him or interfered with his seine.

7. It does not appear that the native fishermen were aware of the illegality of hauling a seine in the month of January; it is therefore to be presumed that the Americans were also ignorant of that law, although their ignorance cannot exonerate them from the breach, nor does it exonerate John Hickey, an Englishman, who is charged with the same offense, and who it is my intention to summon before me to answer to that charge.

8. The statement of the Americans, that they were compelled to leave the harbor and leave off fishing, is entirely without foundation, which is proved by the evidence of those examined before me, among whom was Mr. Snellgrove, collector of customs, who was there a week after the occurrence, and communicated with them, and by the evidence of others to the effect that they remained for about a fortnight or more, "until the herrings slacked;" and with respect to their loss of the haul of herring by the seine being emptied, the fish were not their lawful property, having been illegally caught.

In support of this view of the conduct of the Americans, I am not only borne out by the evidence of the Fortune Bay fishermen, who made their statements in a remarkably frank and straightforward manner, but by the self-convicting evidence of those very Americans themselves, whose depositions, given on oath, show them to have been illegally fishing, and who were liable thereby to the forfeiture of their seines, nets, &c., by chap. 102, sec. 12, of the consolidated statutes.

GEO. L. SULIVAN,
Captain and Senior Officer.

[Appendix 4 to inclosure 1 in No. 159.]

Deposition of John Saunders.

For this deposition, see No. 3, Appendix A, to Lord Salisbury's note of April 3, 1880. (Document No. 26.)

[Appendix 5 to inclosure 1 in No. 159.]

Deposition of Mark Bolt.

For this deposition, see No. 4, Appendix A, to Lord Salisbury's note of April 3, 1880 (Document No. 26.)

[Appendix 6 to inclosure 1 in No. 159.]

Deposition of Richard Hendriken.

For this deposition, see No. 5, Appendix A, to Lord Salisbury's note of April 3, 1880. (Document No. 26.)

[Appendix 7 to inclosure 1 in No. 159.]

Deposition of Ambrose Pope.

For this deposition, see No. 6, Appendix A, to Lord Salisbury's note of April 3, 1880. (Document No. 26.)

[Appendix 8 to inclosure 1 in No. 159.]

Deposition of James Tharnell.

For this deposition, see No. 7, Appendix A, to Lord Salisbury's note of April 3, 1880. (Document No. 26.)

[Appendix 9 to inclosure 1 in No. 159.]

Deposition of George Snellgrove.

For this deposition, see No. 8, Appendix A, to Lord Salisbury's note of April 3, 1880. (Document No. 26.)

[Appendix 10 to inclosure 1 in No. 159.]

Deposition of Silas Fudge.

For this deposition, see No. 9, Appendix A, to Lord Salisbury's note of April 3, 1880. (Document No. 26.)

[Appendix 11 to inclosure 1 in No. 159.]

Deposition of John Cluett.

For this deposition, see No. 10, Appendix A, to Lord Salisbury's note of April 3, 1880. (Document No. 26.)

DOCUMENT No. 10.

Mr. Evarts to Mr. Welsh.

No. 347.] DEPARTMENT OF STATE,
Washington, August 1, 1879.

SIR: You will readily understand that the pressure of current business, especially during the regular and special sessions of Congress, has prevented so immediate attention to the claims of the Fortune Bay fishermen, as definitely laid before me in their proofs completed during the session, as would enable me to give, in reply, a full consideration to the dispatch of Lord Salisbury of the date of November 7, 1878, in reply to mine to you of 28th September, 1878.

But other and stronger reasons have also induced me to postpone until now any discussion of the questions arising out of the occurrences to which these dispatches referred.

It so happened that the transactions of which certain citizens of the United States complain were brought fully to the attention of the government about the same time at which it became my duty to lay before Her Britannic Majesty's Government the views of the United States Government as to the award then recently made by the Commission on the Fisheries, which had just closed its sittings at Halifax. While the character of the complaint and the interests of the citizens of the United States rendered it necessary that the subject should be submitted to the consideration of Her Britannic Majesty's Government at the earliest possible moment, in order to the prevention of any further and graver misunderstanding and the avoidance of any serious interruption to an important industry, I was exceedingly unwilling that the questions arising under the award and those provoked by the occurrences in Newfoundland should be confused with each other, and least of all would I have been willing that the simultaneous presentment of the views of this Government should be construed as indicating any desire on our part to connect the settlement of these complaints with the satisfaction or abrogation of the Halifax award.

I also deemed it not unadvisable in the interests of such a solution as I am sure is desired by the good sense and good temper of both governments that time should be allowed for the extinguishment of the local irritation both here and in Newfoundland which these transactions seem to have excited, and that another fishing season should more clearly indicate whether the rights to which the citizens of the United States were entitled under the treaty were denied or diminished by the preten-

sions and acts of the colonial authorities or whether their infraction was accidental and temporary. As soon as the violence to which citizens of the United States had been subjected in Newfoundland was brought to the attention of this department, I instructed you, on 2d March, 1878, to represent the matter to Her Britannic Majesty's Government, and upon such representation you were informed that a prompt investigation would be ordered for the information of that government.

On August 23, 1878, Lord Salisbury conveyed to you, to be transmitted to your Government, the result of that investigation, in the shape of a report from Captain Sulivan, of Her Majesty's ship Sirius. In furnishing you with this report, Lord Saulsbury, on behalf of Her Britannic Majesty's Government, said:

You will perceive that the report in question appears to demonstrate conclusively that the United States fishermen on this occasion had committed three distinct breaches of the law, and that no violence was used by the Newfoundland fishermen, except in the case of one vessel, whose master refused to comply with the request which was made to him that he should desist from fishing on Sunday in violation of the law of the colony and of the local custom, and who threatened the Newfoundland fishermen with a revolver, as detailed in paragraphs 5 and 6 of Captain Sulivan's report.

The three breaches of the law thus reported by Captain Sulivan and assumed by Lord Salisbury as conclusively established, were: 1. The use of seines and the use of them also at a time prohibited by a colonial statute. 2. Fishing upon a day—Sunday—forbidden by the same local law; and 3. Barring fish in violation of the same local legislation. In addition Captain Sulivan reported that the United States fishermen were, contrary to the terms of the treaty of Washington—

Fishing illegally, interfering with the rights of British fishermen and their peaceable use of that part of the coast then occupied by them and of which they were actually in possession—their seines and boats, their huts and gardens and land granted by government being situated thereon.

Yours, containing this dispatch and the accompanying report, was received on 4th September, 1878, and on the 28th of the same month you were instructed that it was impossible for this government duly to appreciate the value of Captain Sulivan's report, until it was permitted to see the testimony upon which the conclusions of that report professed to rest. And you were further directed to say that, putting aside for after examination the variations of fact, it seemed to this government that the assumption of the report was, that the United States fishermen were fishing illegally, because their fishing was being conducted at a time and by methods forbidden by certain colonial statutes; that the language of Lord Salisbury, in communicating the report with his approval, indicated the intention of Her Britannic Majesty's Government to maintain the position, that the treaty privileges secured to United States fishermen by the treaty of 1871 were held subject to such limitations as might be imposed upon their exercise by colonial legislation; and "that so grave a question in its bearing upon the obligations of this Government under the treaty, makes it necessary that the President should ask from Her Majesty's Government a frank avowal or disavowal of the paramount authority of provincial legislation to regulate the enjoyment by our people of the inshore fishery, which seems to be intimated, if not asserted, in Lord Salisbury's note."

In reply to this communication, Lord Salisbury, 7th November, 1878, transmitted to you the depositions which accompanied Captain Sulivan's report, and said:

In pointing out that the American fishermen had broken the law within the territorial limits of Her Majesty's domains, I had no intention of inferentially laying down

any principles of international law, and no advantage would, I think, be gained by doing so to a greater extent than the facts in question absolutely require. * * * Her Majesty's Government will readily admit—what is, indeed, self-evident—that British sovereignty, as regards those waters, is limited in its scope by the engagements of the Treaty of Washington, which cannot be modified or affected by any municipal legislation.

It is with the greatest pleasure that the United States Government receives this language as "the frank disavowal" which it asked "of the paramount authority of provincial legislation to regulate the enjoyment by our people of the inshore fishery."

Removing, as this explicit language does, the only serious difficulty which threatened to embarrass this discussion, I am now at liberty to resume the consideration of these differences in the same spirit and with the same hopes so fully and properly expressed in the concluding paragraph of Lord Salisbury's dispatch. He says:

It is not explicitly stated in Mr. Evarts' dispatch that he considers any recent acts of the colonial legislature to be inconsistent with the rights acquired by the United States under the Treaty of Washington. But if that is the case, Her Majesty's Government will, in a friendly spirit, consider any representations he may think it right to make upon the subject, with the hope of coming to a satisfactory understanding.

It is the purpose, therefore, of the present dispatch to convey to you, in order that they may be submitted to Her Britannic Majesty's Government, the conclusions which have been reached by the Government of the United States as to the rights secured to its citizens under the treaty of 1871 in the herring fishery upon the Newfoundland coast, and the extent to which those rights have been infringed by the transactions in Fortune Bay on January 6, 1878.

Before doing so, however, I deem it proper, in order to clear the argument of all unnecessary issues, to correct what I consider certain misapprehensions of the views of this Government contained in Lord Salisbury's dispatch of 7th of November, 1878. The secretary for foreign affairs of Her Britannic Majesty says:

If, however, it be admitted that the Newfoundland legislature have the right of binding Americans who fish within their waters by any laws which do not contravene existing treaties, it must be further conceded that the duty of determining the existence of such contravention must be undertaken by the governments, and cannot be remitted to the discretion of each individual fisherman. For such discretion, if exercised on one side, can hardly be refused on the other. If any American fisherman may violently break a law which he believes to be contrary to treaty, a Newfoundland fisherman may violently maintain it if he believes it to be in accordance with treaty.

His lordship can scarcely have intended this last proposition to be taken in its literal significance. An infraction of law may be accompanied by violence which affects the person or property of an individual, and that individual may be warranted in resisting such illegal violence. so far as it directly affects him, without reference to the relation of the act of violence to the law which it infringes, but simply as a forcible invasion of his rights of person or property. But that the infraction of a general municipal law, with or without violence, can be corrected and punished by a mob, without official character or direction, and who assume both to interpret and administer the law in controversy, is a proposition which does not require the reply of elaborate argument between two governments whose daily life depends upon the steady application of the sound and safe principles of English jurisprudence. However this may be, the Government of the United States cannot for a moment admit that the conduct of the United States fishermen in Fortune Bay was in any—the remotest degree—a violent breach of law.

Granting any and all the force which may be claimed for the colonial legislation, the action of the United States fishermen was the peaceable

prosecution of an innocent industry, to which they thought they were entitled. Its pursuit invaded no man's rights, committed violence upon no man's person, and if trespassing beyond its lawful limits could have been promptly and quietly stopped by the interference and representations of the lawfully constituted authorities. They were acting under the provisions of the very statute which they are alleged to have violated, for it seems to have escaped the attention of Lord Salisbury that section 28 of the title of the consolidated acts referred to contains the provision that "Nothing in this chapter shall affect the rights and privileges granted by treaty to the subjects of any state or power in amity with Her Majesty." They were engaged, as I shall hereafter demonstrate, in a lawful industry, guaranteed by the treaty of 1871, in a method which was recognized as legitimate by the award of the Halifax Commission, the privilege to exercise which their government had agreed to pay for. They were forcibly stopped, not by legal authority, but by mob violence. They made no resistance, withdrew from the fishing grounds, and represented the outrage to their Government, thus acting in entire comformity with the principle as justly stated by Lord Salisbury himself, that—

> If it be admitted, however, that the Newfoundland legislature have the right of binding Americans who fish within their waters by any laws which do not contravene existing treaties, it must be further conceded that the duty of determining the existence of such contravention must be undertaken by the governments, and cannot be remitted to the judgment of each individual fisherman.

There is another passage of Lord Salisbury's dispatch to which I should call your attention. Lord Salisbury says:

> I hardly believe, however, that Mr. Evarts would in discussion adhere to the broad doctrine, which some portion of his language would appear to convey, that no British authority has a right to pass any kind of laws binding Americans who are fishing in British waters; for if that contention be just the same disability applies *a fortiori* to any other powers, and the waters must be delivered over to anarchy.

I certainly cannot recall any language of mine in this correspondence which is capable of so extraordinary a construction. I have nowhere taken any position larger or broader than that which Lord Salisbury says:

> Her Majesty's Government will readily admit, what is, indeed, self-evident, that British sovereignty, as regards these waters, is limited in its scope by the engagements of the Treaty of Washington, which cannot be affected or modified by any municipal legislature.

I have never denied the full authority and jurisdiction, either of the imperial or colonial governments, over their territorial waters, except so far as by treaty that authority and jurisdiction have been deliberately limited by these governments themselves. Under no claim or authority suggested or advocated by me could any other government demand exemption from the provisions of British or colonial law, unless that exemption was secured by treaty; and if these waters must be delivered over to anarchy, it will not be in consequence of any pretensions of the United States Government, but because the British Government has, by its own treaties, to use Lord Salisbury's phrase, limited the scope of British sovereignty. I am not aware of any such treaty engagements with other powers, but if there are, it would be neither my privilege nor duty to consider or criticise their consequences where the interests of the United States are not concerned.

After a careful comparison of all the depositions furnished to both governments, the United States Government is of opinion that the following facts will not be disputed:

1. That twenty-two vessels belonging to citizens of the United States,

viz, Fred. P. Frye, Mary and M., Lizzie and Namari, Edward E. Webster, W. E. McDonald, Crest of the Wave, F. A. Smith, Hereward, Moses Adams, Charles E. Warren, Moro Castle, Wildfire, Maud and Effie, Isaac Rich, Bunker Hill, Bonanza, H. M. Rogers, Moses Knowlton, John W. Bray, Maud B. Wetherell, New England, and Ontario, went from Gloucester, a town in Massachusetts, United States, to Fortune Bay, in Newfoundland, in the winter of 1877–1878, for the purpose of procuring herring.

2. That these vessels waited at Fortune Bay for several weeks (from about December 15, 1877, to January 6, 1878) for the expected arrival of schools of herring in that harbor.

3. That on Sunday, January 6, 1878, the herring entered the bay in great numbers, and that four of the vessels sent their boats with seines to commence fishing operations, and the others were proceeding to follow.

4. That the parties thus seining were compelled, by a large and violent mob of the inhabitants of Newfoundland, to take up their seines, discharge the fish already inclosed, and abandon their fishery, and that in one case, at least, the seine was absolutely destroyed.

5. That these seines were being used in the interest of all the United States vessels waiting for cargoes in the harbor, and that the catch undisturbed would have been sufficient to load all of them with profitable cargoes. The great quantity of fish in the harbor, and the fact that the United States vessels if permitted to fish would all have obtained full cargoes, is admitted in the British depositions.

> If the Americans had been allowed to secure all the herrings in the bay for themselves, which they could have done that day, they would have filled all their vessels, and the neighboring fishermen would have lost all chance on the following week day. (Deposition of James Searwell.)
>
> The Americans by hauling herring that day, when the Englishmen could not, were robbing them of their lawful and just chance of securing their share in them; and, further, had they secured all they had barred, they would, I believe, have filled every vessel of theirs in the bay. (Deposition of John Chutt.)

See also affidavits of the United States captains.

6. That in consequence of this violence all the vessels abandoned the fishing-grounds, some without cargoes, some with very small cargoes, purchased from the natives, and their voyages were a loss to their owners.

7. That the seining was conducted at a distance from any land or fishing privilege or the occupation of any British subject. (See affidavits of Willard G. Rode, Charles Doyle, and Michael B. Murray.)

8. That none of the United States vessels made any further attempts to fish, but three or four which were delayed in the neighborhood purchased small supplies of herring. (See British depositions of John Saunders and Silas Fudge, wherein is stated that the United States vessels only remained a few days, and that after January 6 no fish came into the harbor.)

All the United States affidavits show that the United States vessels were afraid to use their seines after this, and that they left almost immediately, most of them coming home in ballast.

The provisions of the treaty of Washington (1871), by which the right to prosecute this fishery was secured to the citizens of the United States, are very simple and very explicit.

The language of the treaty is as follows:

> XVIII. It is agreed by the high contracting parties that in addition to the liberties secured to the United States fishermen by the convention between the United States and Great Britain, signed at London on the 20th day of October, 1818, of taking, curing, and drying fish on certain coasts of the British North American colonies, therein

defined, the inhabitants of the United States shall have, in common with the subjects of Her Britannic Majesty, the liberty for the term of years mentioned in Article XXXIII of this treaty to take fish of every kind, except shell-fish, on the sea coast and shores and in the bays, harbors, and creeks of the provinces of Quebec, &c.

XXXII. It is further agreed that the provisions and stipulations of Articles XVIII to XXV of this treaty, inclusive, shall extend to the colony of Newfoundland, so far as they are applicable.

Title XXVII, chapter 102, of the consolidated acts of Newfoundland, provides:

SECTION 1. That no person shall take herring on the coast of Newfoundland by a seine or other such contrivance, at any time between the 20th day of October and the 12th day of April, in any year, or at any time use a seine except by way of shooting and forthwith hauling the same.

SEC. 2. That no person shall at any time, between the 20th day of December and the 1st day of April, in any year, catch or take herring with seines of less than 2⅜ inches mesh, &c.

SEC. 4. No person shall, between the 20th day of April and the 20th day of October, in any year, haul, catch, or take herring or other bait for exportation, within one mile, measured by the shore or across the water, of any settlement situated between Cape Chapeau Rouge and Point Emajer, near Cape Ray.

The act of 1876 provides that—

" No person shall, between the hours of twelve o'clock on Saturday night and twelve o'clock on Sunday night, haul or take any herring, caplin, or squid, with net, seine, bunts, or any such contrivance for the purpose of such hauling or taking.

It seems scarcely necessary to do more than place the provisions of the treaty and the provisions of these laws in contrast, and apply the principle so precisely and justly announced by Lord Salisbury as self-evident, "that British sovereignty, as regards those waters, is limited in its scope by the engagements of the Treaty of Washington, which cannot be modified or affected by any municipal legislation." For it will not be denied that the treaty privilege of "taking fish of every kind, except shell-fish, on the sea coast and shores, and in the bays, harbors, and creeks" of Newfoundland, is both seriously "modified" and injuriously affected by municipal legislation, which closes such fishery absolutely for seven months of the year, prescribes a special method of exercise, forbids exportation for five months, and, in certain localities, absolutely limits the three-mile area, which it was the express purpose of the treaty to open.

But this is not all. When the treaty of 1871 was negotiated, the British Government contended that the privilege extended to United States fishermen of free fishing within the three-mile territorial limit was so much more valuable than the equivalent offered in the treaty that a money compensation should be added to equalize the exchange. The Halifax Commission was appointed for the special purpose of determining that compensation, and, in order to do so, instituted an exhaustive examination of the history and value of the colonial fisheries, including the herring fishery of Newfoundland.

Before that commission, the United States Government contended that the frozen-herring fishery in Fortune Bay, Newfoundland, the very fishery now under discussion, was not a fishery, but a traffic; that the United States vessels which went there for herring always took out trading permits from the United States custom-house, which no other fishermen did; that the herring were caught by the natives in their nets and sold to the vessels, the captains of which froze the herring after purchase, and transported them to market, and that consequently this was a trade, a commerce beneficial to the Newfoundlanders, and not to be debited to the United States account of advantages gained by the treaty. To this the British Government replied, that whatever the char-

acter of the business had been, the treaty now gave the United States fishermen the right to catch as well as purchase herring; that the superior character of the United States vessels, the larger capacity and more efficient instrumentality of the seines used by the United States fishermen, together with their enterprise and energy, would all induce the United States fishermen to catch herring for themselves, and thus the treaty gave certain privileges to the United States fishermen which inflicted upon the original proprietor a certain amount of loss and damage, from this dangerous competition, which, in justice to their interests, required compensation. The exercise of these privileges, therefore, as stated in the British case, as evidenced in the British testimony, as maintained in the British argument, for which the British Government demanded and received compensation, is the British construction of the extent of the liberty to fish in common, guaranteed by the treaty.

Mr. Whiteway, then attorney-general of Newfoundland, and one of the British counsel before the commission, said in his argument:

> And now one word with regard to the winter herring-fishery in Fortune Bay. It appears that from 40 to 50 United States vessels proceed there between the months of November and February, taking from thence cargoes of frozen herring of from 500 to 800 or 1,000 barrels. According to the evidence, these herrings have hitherto generally been obtained by purchase. It is hardly possible, then, to conceive that the Americans will continue to buy, possessing as they now do the right to catch.

The British case states the argument as to the Newfoundland fisheries in the following language:

> It is asserted on the part of Her Majesty's Government, that the actual use which may be made of this privilege at the present moment is not so much in question as the actual value of it to those who may, if they will, use it. It is possible, and even probable, that the United States fishermen may at any moment avail themselves of the privilege of fishing in Newfoundland inshore waters to a much larger extent than they do at present; but even if they should not do so, it would not relieve them from the obligation of making the just payment for a right which they have acquired subject to the condition of making that payment. The case may be not inaptly illustrated by the somewhat analogous one of a tenancy of shooting or fishing privileges; it is not because the tenant fails to exercise the rights which he has acquired by virtue of his lease that the proprietor should be debarred from the recovery of his rent.
>
> There is a marked contrast to the advantage of the United States citizens between the privilege of access to fisheries the most valuable and productive in the world and the barren right accorded to the inhabitants of Newfoundland, of fishing in the exhausted and preoccupied waters of the United States, north of the 39th parallel of north latitude, in which there is no field for lucrative operations, even if British subjects desired to resort to them; and there are strong grounds for believing that year by year, as United States fishermen resort in greater numbers to the coasts of Newfoundland, for the purpose of procuring bait and supplies, they will become more intimately acquainted with the resources of the inshore fisheries and their unlimited capacity for extension and development. As a matter of fact United States vessels have, since the Washington Treaty came into operation, been successfully engaged in these fisheries; and it is but reasonable to anticipate that as the advantages to be derived from them become more widely known larger numbers of United States fishermen will engage in them.
>
> A participation by fishermen of the United States in the freedom of these waters, must, notwithstanding their wonderfully reproductive capacity, tell materially on the local catch, and, while affording to the United States fishermen a profitable employment, must seriously interfere with local success. The extra amount of bait also which is required for the supply of the United States demand for the bank fishery must have the effect of diminishing the supply of cod for the inshores, as it is well known that the presence of that fish is caused by the attraction offered by a large quantity of bait fishes, and as this quantity diminishes the cod will resort in fewer numbers to the coast.
>
> The effect of this diminution may not in all probability be apparent for some years to come, and whilst United States fishermen will have the liberty of enjoying the fisheries for several years in their present teeming and remunerative state, the effects of overfishing may, after their right to participate in them has lapsed, become seriously prejudicial to the interests of the local fishermen.

II. The privilege of procuring bait and supplies, refitting, drying, transshipping, &c.

Apart from the immense value to United States fishermen of participation in the Newfoundland inshore fisheries, must be estimated the important privilege of procuring bait for the prosecution of the bank and deep-sea fisheries, which are capable of unlimited expansion. With Newfoundland as a basis of operations, the right of procuring bait, refitting their vessels, drying and curing fish, procuring ice in abundance for the preservation of bait, liberty of transshipping their cargoes, &c., an almost continuous prosecution of the bank fishery is secured to them. By means of these advantages, United States fishermen have acquired by the Treaty of Washington all the requisite facilities for increasing their fishing operations to such an extent as to enable them to supply the demand for fish food in the United States markets, and largely to furnish the other fish markets of the world, and thereby exercise a competition which must inevitably prejudice Newfoundland exporters. It must be remembered, in contrast with the foregoing, that United States fishing craft, before the conclusion of the treaty of Washington, could only avail themselves of the coast of Newfoundland for obtaining a supply of wood and water, for shelter, and for necessary repairs in case of accident, and for no other purpose whatever. They therefore prosecuted the bank fishery under great disadvantages, notwithstanding which, owing to the failure of the United States local fisheries, and the consequent necessity of providing new fishing grounds, the bank fisheries have developed into a lucrative source of employment to the fishermen of the United States.

That this position is appreciated by those actively engaged in the bank fishery is attested by the statement of competent witnesses, whose evidence will be laid before the Commission.

And in the reply of the British Government, referring to the same Newfoundland fisheries, is the following declaration:

As regards the herring fishery on the coast of Newfoundland, it is availed of to a considerable exteut by the United States fishermen, and evidence will be adduced of large exportations by them in American vessels, particularly from Fortune Bay and the neighborhood, both to European and their own markets.

The presence of United States fishermen upon the coast of Newfoundland, so far from being an advantage, as is assumed in the answer, operates most prejudicially to Newfoundland fishermen. Bait is not thrown overboard to attract the fish, as asserted, but the United States bank fishing vessels, visiting the coast in such large numbers as they do for the purpose of obtaining bait, sweep the coast, creeks, and inlets, thereby diminishing the supply of bait for local catch and scaring it from the grounds, where it would otherwise be an attraction for cod.

In support of these views, the most abundant testimony was produced by the British Government showing the extent of the United States herring fishery, the character and construction of the seines used, the time when the vessels came and left, and the employment of the native fishermen by the United States vessels. And it follows unanswerably that upon the existence of that fishery between the months of October and April (the very time prohibited by the colonial law), and upon the use of just such seines as were used by the complainants in this case (the very seines forbidden by the colonial law), and because the increasing direct fishery of the United States vessels was interfering with native methods and native profits, the British Government demanded and received compensation for the damages thus alleged to proceed from "the liberty to take fish of every kind" secured by the treaty.

This Government cannot anticipate that the British Government will now contend that the time and method for which it asked and received compensation are forbidden by the terms of the very treaty under which it made the claim and received the payment. Indeed, the language of Lord Salisbury justifies the Government of the United States in drawing the conclusion that between itself and Her Britannic Majesty's Government there is no substantial difference in the construction of the privileges of the treaty of 1871, and that in the future the colonial regulation of the fisheries with which, as far as their own interests are concerned, we have neither right nor desire to intermeddle, will not be

allowed to modify or affect the rights which have been guaranteed to citizens of the United States.

You will therefore say to Lord Salisbury that the Government of the United States considers the engagements of the treaty of 1871 contravened by the local legislation of Newfoundland, by the prohibition of the use of seines, by the closing of the fishery with seines between October and April, by the forbidding of fishing for the purpose of exportation between December and April, by the prohibition to fish on Sunday, by the allowance of nets of only a specified mesh, and by the limitation of the area of fishing between Cape Ray and Cape Chapeau Rouge. Of course, this is only upon the supposition that such laws are considered as applying to United States fishermen; as local regulations for native fishermen, we have no concern with them. The contravention consists in excluding United States fishermen during the very times in which they have been used to pursue this industry, and forbidding the methods by which alone it can be profitably carried on. The exclusion of the time from October to April covers the only season in which frozen herring can be procured, while the prohibition of the seines would interfere with the vessels, who, occupied in cod-fishing during the summer, go to Fortune Bay in the winter, and would consequently have to make a complete change in their fishing gear, or depend entirely upon purchase from the natives for their supply. The prohibition of work on Sunday is impossible under the conditions of the fishery. The vessels must be at Fortune Bay at a certain time, and leave for market at a certain time. The entrance of the schools of herring is uncertain, and the time they stay equally so. Whenever they come they must be caught, and the evidence in this very case shows that after Sunday, the 6th of January, there was no other influx of these fish, and that prohibition on that day would have been equivalent to shutting out the fishermen for the season.

If I am correct in the views hitherto expressed, it follows that the United States Government must consider the United States fishermen as engaged in a lawful industry from which they were driven by lawless violence at great loss and damage to them; and that as this was in violation of rights guaranteed by the Treaty of Washington, between Great Britain and the United States, they have reasonable ground to expect at the hands of Her Britannic Majesty's Government proper compensation for the loss they have sustained. The United States Government, of course, desires to avoid an exaggerated estimate of the loss which has been actually sustained, but thinks you will find the elements for a fair calculation in the sworn statement of the owners, copies of which are herewith sent. You will find in the printed pamphlet which accompanies this, and which is the statement submitted to this department on behalf of twenty of the vessels, the expense of each vessel in preparation for the fishery and her estimated loss and damage. The same statement with regard to the two vessels New England and Ontario, not included in this list of twenty, you will find attached hereto, thus making a complete statement for the twenty-two vessels which were in Fortune Bay on the 6th January, 1878, and the Government of the United States sees no reason to doubt the accuracy of these estimates. I find upon examining the testimony of one of the most intelligent of the Newfoundland witnesses called before the Halifax Commission by the British Government, Judge Bennett, formerly Speaker of the Colonial House, and himself largely interested in the business, that he estimates the Fortune Bay business in frozen herring, in the former years of purchase, at 20,000 to 25,000 barrels for the season and that it was increasing, and this is confirmed by others.

The evidence in this case shows that the catch which the United States fishing fleet had on this occasion actually realized was exceptionally large, and would have supplied profitable cargoes for all of them. When to this is added the fact that the whole winter was lost and these vessels compelled to return home in ballast; that this violence had such an effect on this special fishery that in the winter of 1878–'79 it has been almost entirely abandoned, and the former fleet of twenty-six vessels has been reduced to eight, none of whom went provided with seines, but were compelled to purchase their fish of the inhabitants of Newfoundland, the United States Government is of opinion that $105,305.02 may be presented as an estimate of the loss as claimed, and you will consider that amount as being what this Government will regard as adequate compensation for loss and damage.

In conclusion I would not be doing justice to the wishes and opinions of the United States Government if I did not express its profound regret at the apparent conflict of interests which the exercise of its treaty privileges appears to have developed. There is no intention on the part of this Government that these privileges should be abused, and no desire that their full and free enjoyment should harm the Colonial fishermen. While the differing interests and methods of the shore fishery and the vessel fishery make it impossible that the regulation of the one should be entirely given to the other, yet if the mutual obligations of the treaty of 1871 are to be maintained, the United States Government would gladly co-operate with the Government of Her Britannic Majesty in any effort to make those regulations a matter of reciprocal convenience and right; a means of preserving the fisheries at their highest point of production, and of conciliating a community of interest by a just proportion of advantages and profits.

I am, &c.,

WM. M. EVARTS.

[Inclosures.]

1. Messrs. Foster and Trescott to the Secretary of State, with appendix (printed pamphlet.)
2. Statement of loss to the schooners New England and Ontario.

[Appendix A, No. 347.]

FILED JANUARY 25, 1879.

To the Hon. THE SECRETARY OF STATE:

SIR: We have to acknowledge the receipt of Lord Salisbury's replies to your communications in reference to the attack upon the United States fishing-vessels in Fortune Bay, Newfoundland, with the affidavits inclosed.

After the most careful examination of these affidavits and a scrutinizing review of the affidavits made by the United States fishermen in support of their complaint, we cannot discover any facts or contradictions which discredit their history of the transaction.

There seems to be no dispute as to the following facts:

1. That twenty-two vessels, viz: Fred. P. Frye, Mary M., Lizzie and Namari, Edward E. Webster, W. E. MacDonald, Crest of the Wave, F. A. Smith, Hereward, Moses Adams, Charles E. Warren, Moro Castle, Wildfire, Maud and Effie, Isaac Rich, Bunker Hill, Bonanza, H. M. Rogers, Moses Knowlton, John W. Bray, Maud B. Wetherell, New England, and Ontario went from Gloucester to Fortune Bay in the winter of 1877–'78 for the purpose of procuring herring, as was their usual custom, and as they were entitled to do under the treaty of 1871.

2. That previous to that winter the United States fishermen had always purchased their herring of the Newfoundlanders, paying them in money or provisions, and a

large and profitable trade had sprung up between the Americans and the inhabitants. The value of this trade to the inhabitants of Newfoundland clearly appears in the following extract from the British case before the Halifax Commission:

"It is not at all probable that possessing as they now do the right to take herring and caplin for themselves on all parts of the Newfoundland coasts, they will continue to purchase as heretofore, and they will thus prevent the local fishermen, especially those of Fortune Bay, from engaging in a very lucrative employment, which formerly occupied them during a portion of the winter season for the supply of the United States market."

Furthermore, in the affidavits of the Newfoundland fishermen forwarded by Lord Salisbury, it is plainly admitted that the only way in which the local fishermen can dispose of their herring is by selling them to the Americans.

In January, 1878, however, for the first time, the American vessels carried with them larger seines in order to take their own herring and save the expense of purchasing from the Newfoundlanders.

Captain Malonson, of the schooner Crest of the Wave, in his affidavit, says:

"The Newfoundland fishermen have for years been in the habit of selling all the herring to American vessels. I have been there eight years, and I have always bought my herring or engaged the Newfoundlanders to take them for me, paying them in cash. This has been the universal practice of American vessels. This year we carried the large mackerel seines we use in summer for taking mackerel. These seines will take from two to five thousand barrels at a haul, and the herring are better taken in this way. As most of the Newfoundlanders fish with gill-nets, our manner of seining would take away from them the monopoly of the herring trade."

The truth of Captain Malonson's affidavit, and that of the other American captains, is shown by the British affidavits:

"The Americans never used a seine before that day; they always employed the English to use their seines, and bought fish from the English." (Deposition of John Saunders.)

"The Americans do not bar fish. This was the first time I ever knew them to do so. They usually buy the fish from the Newfoundlanders, and also barter flour and pork for them." (Deposition of Mark Bolt.)

"We all consider it to be the greatest loss to us for the Americans to bring those large seines to catch herring. The seines will hold 2,000 or 3,000 barrels of herring, and if the soft weather continues, they are obliged to keep them in seines for sometimes two or three weeks until the frost comes, and by this means they deprive the poor fishermen of the bay of their chance of catching any with their small nets, and thus, when they have secured a sufficient quantity of their own, they refuse to buy of the natives." (Deposition of John Tharnelly.)

"They would have probably frightened the rest away, and it would have been useless for the English to stay, for the little left for them to take they could not have sold." (Deposition of John Cluett.)

The evidence offered by Her Majesty's Government before the Halifax Commission fully bears out the above affidavits and shows that previously to 1877 the so-called Newfoundland herring fishery was merely a purchase by the Americans of fish caught by the Newfoundlanders, and no attempt had ever been made by the Americans to take the fish themselves; that in the winter of 1877–'78 the American vessels, taking advantage of their rights under the Treaty of Washington, carried down with them seines in order to take their own herring, and that the consequent loss of a valuable trade to the inhabitants, as foreseen by the British agent at the Halifax Commission, had taken place.

3. That these vessels waited for several weeks (from about December 15, 1877, to January 6, 1878) for the expected arrival of schools of herring in Fortune Bay.

4. That on Sunday, January 6, 1878, the herring entered the bay in great numbers, and that four of the vessels sent their boats with seines to commence fishing operations, and the others were proceeding to follow.

5. That the parties thus seining were compelled, by a large and violent mob of the inhabitants of Newfoundland, to take up their seines, discharge the fish already inclosed, and abandon their fishery; and that in one case, at least, the seine was absolutely destroyed. Both the British and American affidavits give substantially the same account of this transaction.

6. That these seines were being used in the interest of all United States vessels waiting for cargoes in the harbor, and that the catch undisturbed would have been sufficient to load them all with profitable cargoes. The great quantity of fish in the harbor, and the fact that the American vessels, if permitted to fish, would have all obtained full cargoes, is admitted in the British deposition.

"If the Americans had been allowed to secure all the herrings in the bay for themselves, which they could have done that day, they would have filled all their vessels, and the neighboring fishermen would have lost all chance on the following week day." (Deposition of James Searwell.)

"The Americans, by hauling herring that day, when the Englishmen could not, were robbing them of their lawful and just chance of securing their share in them, and further, had they secured all they had barred, they would, I believe, have filled every vessel of theirs in the bay." (Deposition of John Cluett.)

See also the affidavits of the American captains.

7. That in consequence of this violence all the vessels abandoned the fishing grounds; some without cargoes, some with very small cargoes purchased from the natives, and that their voyages were a loss to their owners.

8. That the seining was conducted at a distance from any land or fishing privilege in the occupation of any British subject. (See affidavits Willard G. Rode, Charles Dagle, and Michael B. Murray.)

9. That none of the vessels of the United States made any further attempts to fish, but three or four which were delayed in the neighborhood purchased small supplies of herring. (See British depositions of John Saunders and Silas Fudge, wherein it is stated that the American vessels only remained a few days, and that after January 6 no fish came into the harbor.) All the American affidavits show that the United States vessels were afraid to use their seines after this, and that they left almost immediately, most of them coming home in ballast.

10. That this violence has had such an effect on this special fishing industry that in the present winter of 1878–1879 it has been almost entirely abandoned, and last winter's fleet of twenty-six (26) has been reduced to eight (8), and none of these have gone provided with seines, but they will all be compelled to purchase their fish of the inhabitants of Newfoundland. (See statement of the collector of the port of Gloucester.)

In support of these facts we append hereto—

1. A list of the vessels whose owners we represent.

2. The affidavits of the masters and crews of the same vessels.

3. Sworn statements of the owners as to the actual expenses of each vessel upon the interrupted voyage, the average profit of their previous voyages, and the loss of cargoes consequent upon their forcible expulsion in this case.

4. Statements of the collector of the port of Gloucester, giving the number of vessels engaged in the Newfoundland herring fishery in the winters of 1877–1878 and 1878–1879.

In the dispatch of Lord Salisbury, dated August 23, 1878, the British Government assert that "the United States fishermen on this occasion had committed three distinct breaches of the law," as stated in the report of Captain Sullivan, viz:

"1. That the Americans were using seines for catching herring on the 6th of January, 1878, in direct violation of Title XXVII, chapter 102, section 1, of the consolidated statutes of Newfoundland, viz: 'No person shall haul or take herring by or in a seine or other such contrivance on or near any part of the coast of this colony or of its dependencies, or in any of the bays, harbors, or other places therein, at any time between the 20th day of October and the 25th day of April.'

"2. That the American captains were setting and putting out seines and hauling and taking herring on Sunday, the 6th of January, in direct violation of section 4, chapter 7, of the act passed 26th April, 1876, entitled 'An act to amend the law relating to the coast fisheries,' viz: 'No person shall between the hours of twelve o'clock on Saturday night and twelve o'clock on Sunday night haul or take any herring, caplin, or squid with net, seines, bunts, or any such contrivance for the purpose of such hauling or taking.'

"3. That they were barring fish in direct violation of the continuance of the same act, Title XXVII, chapter 102, section 1, of the consolidated statutes of Newfoundland, 'or at any time use a seine or other contrivance for the catching or taking of herrings, except by way of shooting and forthwith hauling the same.'"

Leaving to your own consideration the general question whether or not colonial legislatures can enact any laws or local regulations which will in any way control or limit the United States fisherman while pursuing his avocation under the Treaty of Washington, we desire to call your attention to the full text of the laws alleged to be infringed (copies of which, as well as of an amendment passed April, 1877, are herewith inclosed.)

Title XXXVII, chap. 102, of the consolidated acts of Newfoundland, provides—

"SECTION 1. That no person shall take herring on the coast of Newfoundland by a seine or other such contrivance at any time between the 20th day of October and the 12th day of April in any year, or at any time use a seine except by way of shooting and forthwith hauling the same.

"SEC. 2. That no person shall, any time between the 20th day of December and the 1st day of April in any year, catch or take herring with seines of less than $2\frac{3}{8}$ inches mesh, &c.

"SEC. 4. No person shall, between the 20th day of April and the 20th day of October in any year, haul, catch, or take herring or other bait for exportation within one

mile, measured by the shore or across the water, of any settlement situated between Cape Chapeau Rouge and Point Eurager, near Cape Ray."

Section 28 provides that—

"Nothing in this chapter shall affect the rights and privileges granted by treaty to the subjects of any state or power in amity with Her Majesty."

The twenty-eighth section of this act is not referred to by Captain Sulivan in his report, and seems to have escaped the notice of Lord Salisbury. The enforcement of this act would deprive us of all the privileges which the British Government valued so highly, and for which the United States has paid the immense sum of five million five hundred thousand dollars, one million of which is understood to be allowed to Newfoundland.

By sections 1 and 2, we are prohibited from securing herring in any way from October to April, and limited as to the manner and method of fishing at all other times of the year. The American fishing vessel, being employed in the mackerel fishery in the summer and in the herring fishery in the winter, uses the same seines for both, and cannot and should not be compelled to comply with local regulations as to the size, shape, and manner of using these seines, whether they are or are not just and proper when applied to the native fishermen living near the fishing grounds. But it appears, from Captain Sulivan's report and from the British depositions that these laws were unknown as well as unenforced in Fortune Bay.

There is another section of this act which does not concern the present case, but which, if enforced, would almost totally deprive the United States cod-fishing vessels of their rights under the treaty of 1871. The right to obtain fresh bait on the coast of Newfoundland for use on the Grand Banks during the summer months was claimed by the British Government to be of immense value to our fishermen, and was so considered by the arbitrators in making their award. But section 4 prohibits the taking of bait for exportation during the summer months for a long distance along the southern coast of the island, comprising the whole of Placentia Bay, the nearest and most favorite resort of our fishermen from the Grand Banks after bait. It is true this law has not as yet been enforced, but there is no guaranty that it may not be at any time. During the past session the Newfoundland legislature have had under consideration a law prohibiting the sale of bait to the American fishermen, and placing a heavy duty on all ice sold to them for the purpose of preserving bait.

The section IV, act of April 26, 1876, quoted by Lord Salisbury and Captain Sulivan, is as follows:

"No person shall between the hours of twelve o'clock on Saturday night and twelve o'clock on Sunday night haul or take any herring, caplin, or squids, with nets, seines, bunts, or any such contrivance, or set or put out any such net, seine, bunt, or contrivance for the purpose of such hauling or taking."

This law only prohibits the taking of certain kinds of fish on Sunday, viz: Herring, caplin, or squid, and does not apply to cod or halibut, which the British evidence before the Halifax Commission endeavored to show were taken almost entirely within a short distance from the shore. By the amendment of 1877, this act was extended so as to apply to the taking of all fish for bait.

We deem it unnecessary to add to this statement any discussion as to the principles involved in Lord Salisbury's dispatches. The only fact to which we would further ask your attention is, that the very use of the fisheries for which we now contend was admitted to be ours under the treaty by the British Government before the Halifax Commission, and make the basis of the award of that tribunal.

The language of the treaty is as follows:

"It is agreed by the high contracting parties that in addition to the liberties secured to the United States fishermen by the convention between the United States and Great Britain, signed at London on 20th day of October, 1818, of taking, curing, and drying fish on certain coasts of the British North American colonies therein defined, the inhabitants of the United States shall have, in common with the subjects of Her Britannic Majesty, the liberty, for the term of years mentioned in Art. XXXIII of this treaty, to take fish of every kind except shell fish on the sea coast and shores, and in the bays, harbors, and creeks of the provinces of Quebec," &c.

It must be borne in mind that "liberty in common" has been valued by the Halifax Commission at $5,500,000, and the price of its enjoyment has been paid. That award and that payment were made upon the representation of the British Government that the treaty gave certain privileges to the United States fishermen, the exercise of which inflicted upon the original proprietor a certain amount of loss and damage which in justice to their interests required such compensation. This exercise, therefore, as stated in the British case, as evidenced in the British testimony, as maintained in the British argument, for which the British Government demanded and received compensation, is the British construction of the extent of "the liberty in common" guaranteed by the treaty.

The British case states the argument as to the Newfoundland fisheries in the following language:

"It is asserted, on the part of Her Majesty's Government, that the actual use which may be made of this privilege at the present moment is not so much in question as the actual value of it to those who may, if they will, use it. It is possible, and even probable, that the United States fishermen may at any moment avail themselves of the privilege of fishing in Newfoundland inshore waters to a much larger extent than they do at present; but even if they should not do so, it would not relieve them from the obligation of making the just payment for a right which they have acquired subject to the condition of making that payment. The case may be not inaptly illustrated by the somewhat analogous one of a tenancy of shooting or fishing privileges; it is not because the tenant fails to exercise the rights which he has acquired by virtue of his lease that the proprietor should be debarred from the recovery of his rent.

"There is a marked contrast, to the advantage of the United States citizens, between the privilege of access to fisheries the most valuable and productive in the world and the barren right accorded to the inhabitants of Newfoundland of fishing in the exhausted and preoccupied waters of the United States north of the 39th parallel of north latitude, in which there is no field for lucrative operations, even if British subjects desired to resort to them; and there are strong grounds for believing that year by year, as United States fishermen resort in greater numbers to the coasts of Newfoundland for the purpose of procuring bait and supplies, they will become more intimately acquainted with the resources of the inshore fisheries and their unlimited capacity for extension and development. As a matter of fact, United States vessels have, since the Washington Treaty came into operation, been successfully engaged in these fisheries; and it is but reasonable to anticipate that, as the advantages to be derived from them become more widely known, larger numbers of United States fishermen will engage in them.

"A participation by fishermen of the United States in the freedom of these waters must, notwithstanding their wonderfully reproductive capacity, tell materially on the local catch, and, while affording to the United States fishermen a profitable employment, must seriously interfere with local success. The extra amount of bait also which is required for the supply of the United States demand for the Bank fishery must have the effect of diminishing the supply of cod for the inshores, as it is well-known that the presence of that fish is caused by the attraction offered by a large quantity of bait fishes, and as this quantity diminishes the cod will resort in fewer number to the coast. The effect of this diminution may not in all probability be apparent for some years to come, and whilst United States fishermen will have the liberty of enjoying the fisheries for several years in their present teeming and remunerative state, the effects of overfishing may, after their right to participate in them has lapsed, become seriously prejudicial to the interest of the local fishermen.

"II. *The privilege of procuring bait and supplies, refitting, drying, transshipping, &c.*

"Apart from the immense value to United States fishermen of participation in Newfoundland inshore fisheries must be estimated the important privilege of procuring bait for the prosecution of the Bank and deep-sea fisheries, which are capable of unlimited expansion. With Newfoundland as a basis of operations, the right of procuring bait, refitting their vessels, drying and curing fish, procuring ice in abundance for the preservation of bait, liberty of transshipping their cargoes, &c., an almost continuous prosecution of the Bank fishery is secured to them. By means of these advantages United States fishermen have acquired by the Treaty of Washington all the requisite facilities for increasing their fishing operations to such an extent as to enable them to supply the demand for fish food in the United States markets, and largely to furnish the other fish markets of the world, and thereby exercise a competition which must inevitably prejudice Newfoundland exporters. It must be remembered, in contrast with the foregoing, that United States fishing craft before the conclusion of the Treaty of Washington could only avail themselves of the coast of Newfoundland for obtaining a supply of wood and water, for shelter, and for necessary repairs in case of accident, and for no other purpose whatever; they therefore prosecuted the Bank fishery under great disadvantages, notwithstanding which, owing to the failure of the United States local fisheries and the consequent necessity of providing new fishing grounds, the Bank fisheries have developed into a lucrative source of employment to the fishermen of the United States. That this position is appreciated by those actively engaged in the Bank fisheries is attested by the statements of competent witnesses, whose evidence will be laid before the commission."

And in the reply of the British Government, referring to the same Newfoundland fisheries, is the following declaration:

"As regards the herring fishery on the coast of Newfoundland, it is availed of to a considerable extent by the United States fishermen, and evidence will be adduced of large exportations by them in American vessels, particularly from Fortune Bay and the neighborhood, both to European and their own markets.

"The presence of United States fishermen upon the coast of Newfoundland, so far

from being an advantage, as is assumed in the answer, operates most prejudicially to Newfoundland fishermen. Bait is not thrown overboard to attract the fish, as asserted, but the United States Bank fishing vessels, visiting the coast in such large numbers as they do for the purpose of obtaining bait, sweep the coast, creeks, and inlets, thereby diminishing the supply of bait for local catch, and scaring it from the grounds where it would otherwise be an attraction for cod."

In support of these views, the most abundant and complete testimony was produced by the British Government, showing the extent of the United States herring fishery, the character and construction of the seines used, the time when the vessels came and left, and the employment of the native fishermen by the United States vessels. And it follows unanswerably that upon the existence of that fishery between the months of October and April, and upon the use of just such seines as were used by the complainants in this case, and because the increasing direct fishery of the United States vessels was interfering with native methods and native profits, the British government demanded and received compensation for the damages thus alleged to proceed from "the liberty in common to take fish of every kind" secured by the treaty. With what justice can the British Government now contend that the time and the method for which they asked and received compensation are forbidden by the terms of the very treaty under which they made the claim and received the payment?

In conclusion, and in reference to the suggestion of Lord Salisbury that the United States fishermen were bound to abstain from the use of the fishery until due representation had been made to Her Britannic Majesty's government, we would say, without argument as to the correctness of any such assumption, that as a fact this is just what the United States fishermen did. They were engaged in the prosecution of a lawful industry, in a method which was recognized as lawful by the award of the Halifax Commission, the privilege to exercise which their government had agreed to pay for. They were forcibly stopped, not by legal authority, but by mob violence. They made no resistance; withdrew from the fishing grounds; represented the outrage to their Government; have not returned to Newfoundland, and are waiting in perfect confidence that the Government will vindicate their rights, and see that just compensation is made for their losses.

Respectfully,

DWIGHT FOSTER,
WM. HENRY TRESCOT,
Counsel for Claimants.

APPENDIX.

A.

List of vessels.

	Vessels.	*Owners.*
1.	Fred. P. Frye	Brown, Seavy & Co.
2.	Mary M	Brown, Seavy & Co.
3.	Lizzie and Namari	John F. Wonson & Co.
4.	Edward E. Webster	Dennis and Ayer.
5.	William E. MacDonald	William Parsons 2d & Co.
6.	Crest of the Wave	William B. Coombs.
7.	F. A. Smith	Plummer & Friend.
8.	Hereward	James Mansfield's Sons.
9.	Moses Adams	Samuel Lane & Bro.
10.	Charles E. Warren	Peter Smith.
11.	Moro Castle	Hardy & Allen.
12.	Wildfire	Andrew Leighton.
13.	Maud and Effie	W. H. Gardner & S. G. Bole
14.	Isaac Rich	Walen & Allen.
15.	Bunker Hill	Walen & Allen.
16.	Bonanza	H. C. Allen.
17.	Moses Knowlton	John Low.
18.	H. M. Rogers	Rowe & Jordan.
19.	John W. Bray	J. F. Wonson & Co.
20.	Maud B. Wetherell	Geo. Dennis & Co.

B.

Expenses and claims.

	Expenses.	Claims.
1. Fred. D. Frye	$1,700 00	$3,700 00
2. Mary M	2,180 53	5,680 50
3. Lizzie and Namari	3,133 65	5,564 40
4. Edward E. Webster	1,754 50	4,654 50
5. William E. MacDonald	2,153 95	4,953 95
6. Crest of the Wave	2,619 04	4,619 04
7. F. A. Smith	2,495 50	4,895 50
8. Hereward	3,800 00	5,748 05
9. Moses Adams	1,586 05	4,586 05
This vessel also makes an additional claim for value herring in her net, besides her full cargo		4,000 00
10. Charles E. Warren	2,180 00	4,680 00
11. Moro Castle	2,153 18	4,134 19
12. Wildfire	1,530 97	6,309 82
13. Maud and Effie	2,379 13	4,379 13
14. Isaac Rich	1,150 09	2,491 09
15. Bunker Hill	1,217 50	2,677 00
16. Bonanza	2,855 94	3,022 17
17. Moses Knowlton	2,661 60	5,356 60
18. H. M. Rogers	1,946 13	5,876 30
19. John W. Bray	2,714 52	3,589 07
20. Maud B. Wetherell	2,618 64	2,521 34

C.

STATEMENT OF LOSS.

Schooner Fred. P. Frye.

This vessel was chartered by Brown, Seavy & Co. for a trip to Fortune Bay for herring in January, 1878.

They paid the owners of the schooner for the charter	$800 00
Expenses of the voyage, crew's wages, provisions, &c., amounted to	1,350 00
Making the amount actually paid out in cash	2,150 00
Credit partial cargo of herring sold	450 00
	1,700 00
Add probable profit calculated from preceding trips	2,000 00
	3,700 00

BROWN, SEAVEY CO.,
By WM. SEAVEY.

COMMONWEALTH OF MASSACHUSETTS,
Suffolk, ss:

DECEMBER 28, 1878.

Then personally appeared the above-named William Seavy and made oath that the foregoing statement by him subscribed was true, before me.

ALFRED D. FOSTER,
Notary Public.

Schooner Mary M.

Bill of expense on a voyage to Newfoundland for herring from December 6, 1877, to February 26, 1878:

DR.

Ship stores	$295 35
Lumber at Lahave	85 25
Custom-house fees	58 75
Ballast	58 50
Officers' and crew's wages	677 68
Insurance	525 00
Cargo for trade	400 00
Riggers' and blacksmith bill	80 00
	2,180 53
Average profits of Newfoundland voyages made by schooner Mary M., Captain Murray, for ten seasons (except the year 1876)	3,500 00
	5,680 50

CR.

By return cargo	$200 00
	5,480 50

MICHAEL B. MURRAY.

MASSACHUSETTS,
Essex, ss:

GLOUCESTER, *December* 23, 1878.

Personally appeared M. B. Murray and made oath to the truth of the statement signed by him, before me.

[SEAL.] AARON PARSONS, *N. P.*

Schooner Lizzie and Namari.

Actual expense of voyage to Fortune Bay, Newfoundland, January, 1878:

Port charges	$44 26
Store account	273 01
Outfits for voyage	1,245 48
Charter of vessel	683 33
Wood and coal	22 30
Crew's wages	526 34
Captain's wages	273 06
Insurance on outfits	65 87
	3,133 65
Profit compared with previous years	3,000 00
	6,133 65
Deduct merchandise and cash returned	569 25
	5,564 40

This vessel was hired by us, and we actually paid in cash the amount placed in the above account as charter.

JOHN F. WONSON & CO.

GLOUCESTER, *December* 23, 1878.

MASSACHUSETTS,
Essex, ss:

GLOUCESTER, *December* 23, 1878.

Personally appeared Frank A. Wonson, a member of the firm of J. F. Wonson & Co., and made oath to the truth of the statement signed by him.

Before me.

[L. S.] AARON PARSONS, *N. P.*

Schooner Edward E. Webster.

Expenses, actual money paid out in voyage to Fortune Bay, January, 1878:

Captain, mate, and crew's wages	$720 00
Insurance	560 00
Ballast	60 00
Lumber for platform and stage	62 50
Provisions	250 00
Refitting in Newfoundland	100 00
	1,754 50
A preceding trip of this vessel to Fortune Bay for herring in the year 1875 netted	5,400 00
The expenses were	2,500 00
Leaving a profit of	2,900 00

This vessel was driven off without obtaining any herring, and her voyage resulted in a loss of—

(1.) The actual expenses	1,754 50
(2.) Profit on voyage, provided the vessel did no better than the previous year	2,900 00
	4,654 50

DENNIS & SON,
Per J. G. DENNIS.

COMMONWEALTH OF MASSACHUSETTS,
Essex, ss:

GLOUCESTER, *December* 20, 1878.

Then personally appeared the above-named George Dennis, and made oath to the truth of the foregoing statement before me,

ALFRED D. FOSTER,
Notary Public.

Schooner William E. MacDonald.

Actual expenses, money paid out for trip to Fortune Bay, January, 1878:

Store bill	$297 83
Railway and carpenter	34 86
Sailmaker	465 50
Painting	34 76
Blacksmith	4 45
Captain's bill	159 98
Wages	670 50
Insurance	412 00
Sundry bills	74 07
Total actual expenses	2,153 95
Probable profit, calculated on an average of preceding years	2,800 00
Total loss	4,953 95

WM. PARSONS, 2D, &C.

MASSACHUSETTS,
Essex, ss:

GLOUCESTER, *December* 23, 1878.

Personally appeared William Parsons, 2d, and made oath the statement made and signed by him is true.

Before me,
[L. S.]

AARON PARSONS, *N. P.*

Schooner Crest of the Wave.

Actual expenses of the trip to Fortune Bay for herring in the month of January, 1878:

Store bill	$575 19
Crew's wages	674 00
Insurance	350 00
Outfit for vessel, &c	944 85
Ballast	75 00
	2,619 04
The probable profit on a trip for herring to Newfoundland, calculated from preceding years	2,000 00
Add actual expenses	2,619 04
	4,619 04

WILLIAM B. COOMBS.

COMMONWEALTH OF MASSACHUSETTS,
Essex, ss:

GLOUCESTER, *December* 20, 1878.

Then personally appeared the above-named William B. Coombs, and made oath that the foregoing statement by him subscribed was true.

Before me,

ALFRED D. FOSTER,
Notary Public.

Schooner F. A. Smith.

Actual expenses of voyage to Fortune Bay for herring in January, 1878; money paid out:

Captain and crew's wages	$710 00
Insurance	470 00
Ballast	55 00
Lumber	60 50
Provisions	260 00
Refitting at Newfoundland	90 00
	1,645 50
This vessel was hired for the trip, and $850.00 was actually paid for the charter	850 00
	2,495 50
Profit of a fair average voyage calculated on previous voyages	2,400 00
	4,895 50

JOSEPH FRIEND.
GEORGE W. PLUMMER.
B. T. FRIEND.

COMMONWEALTH OF MASSACHUSETTS,
Essex, ss:

GLOUCESTER, *December* 20, 1878.

Then personally appeared the above-named Joseph Friend and made oath that the foregoing statement by him subscribed was true.

Before me,

ALFRED D. FOSTER,
Notary Public.

Schooner Hereward.

The actual expenses of this vessel in the voyage to Fortune Bay in January, 1878, were:

Outfit for voyage	$1,900 00
Wages four months	1,000 00
Provisions	400 00
Outfit for vessel, fitting out, &c	400 00
Insurance	600 00
	4,300 00
Less part of outfit returned	500 00
	3,800 00
If this vessel had made a fairly prosperous voyage her profit would have been	2,000 00
	5,800 00
Less small amount of herring brought back	62 00
	5,748 00
This vessel having been prevented from obtaining a cargo in Newfoundland, her loss was	5,748 00

A seine was carried down by this vessel, which was destroyed by the natives who were hired to set it.

JAMES MANSFIELD & SONS,
By ALFRED MANSFIELD.

COMMONWEALTH OF MASSACHUSETTS,
Essex, ss:

GLOUCESTER, *December* 20, 1878.

Then personally appeared the above-named Alfred Mansfield and made oath that the foregoing statement by him subscribed was true.

Before me,

ALFRED D. FOSTER,
Notary Public.

Account of the schooner Moses Adams's herring voyage to Newfoundland in 1877.

Outfits for voyage	$1,003 83	
Cash paid out in British Provinces for sundries	110 00	
Cash paid for herring	199 00	
Insurance	549 60	
Wages paid captain and crew	744 87	
		$2,607 30
Cash received for herring sold		1,021 25
		1,586 05
Probable profit if arrive home with a full cargo		3,000 00
		4,586 05
Value of herring lost by mob tripping the seine which would have been sold to other vessels waiting to purchase		4,000 00
Total loss to the schooner caused by the mob		8,586 05

MEMORANDUM.

This schooner's seine was filled with herring when the mob tripped it, and they then endeavored to destroy the seine, but were prevented by the captain and crew, at the peril of their lives.

We had this schooner built for mackerel fishing in summer, and Newfoundland herring fishing in winter. She is all furnished with herring seines and boats for such business, but having been deprived the privilege of seining herring in Newfoundland, and by mobs, we have been obliged to abandon the enterprise, causing a great loss to us.

SAMUEL LANE & BRO.

MASSACHUSETTS,
Essex, ss:

JANUARY 3, 1879.

Sworn to before me this 3d day of January, A. D. 1879.
[SEAL.]

AARON PARSONS,
Notary Public.

Expenses of the schooner Chas. C. Warren on a voyage to Newfoundland in the winter of 1877 and 1878.

Outfits.

160 hogsheads salt	$270 00	
900 barrels	700 00	
Outfits for voyage	1,400 00	
Crew's wages	1,400 00	
Insurance	250 00	
Port charges	30 00	
		4,050 00
400 barrels herring, (cash paid)	560 00	
		4,610 00
Deduct return cargo:		
800 barrels herring	2,400 00	
30 hogsheads salt	30 00	
		2,430 00
Expense, loss	2,180 00	
500 barrels herrings	2,500 00	
Net loss	4,680 00	

PETER SMITH.

STATE OF MASSACHUSETTS,
Essex, ss:

GLOUCESTER, *December* 14, 1878.

Personally appeared Peter Smith, and made oath to the truth of the foregoing account signed by him.

Before me.
[SEAL.]

AARON PARSONS,
Notary Public.

Schooner Moro Castle.

Store bill, &c.	$191 46
Crew's wages	521 72
Ballast	30 00
Insurance	420 00
Cargo or outfits	990 00
	2,153 18
Profit 1874 and '75	1,981 01
	4,134 19

Schooner Moro Castle, Newfoundland voyage, 1877 and '78.

McKENZIE, HARDY & CO.

MASSACHUSETTS,
Essex, ss:

DECEMBER 12, 1878.

Personally appeared S. N. Hardy, and made oath to the truth of above statement before me.

[SEAL.] AARON PARSONS,
Notary Public.

Account of Newfoundland voyage schooner Moro Castle, 1874 and '75.

Store bill	$183 01
Outfits	1,080 55
Custom fees, &c	14 50
Oakes V. Stevens' bill	2 97
Baskets	6 80
Bill of ballast	11 20
Bill of lumber	5 65
Shovels	2 50
J. G. Tarr & Bro's bill	20 17
Wood and coal	21 50
Telegraphing	3 36
Insurance	420 00
Crew's wages	479 65
Captain's wages	315 00
Capt. Nass' bill	174 68
Expenses to New York	14 00
Use of chain	15 00
Commission on sales	550 00
	3,320 34
CR.	
For sales of herring, &c	5,301 55
	1,981 01

Schooner Wildfire.

Actual expenses in voyage to Fortune Bay in January, 1878.

Wages of captain and crew	$628 27
Insurance	570 00
Ballast	58 00
Lumber and cost of erecting platform and stage	70 37
Provisions	204 33
	1,530 97
The last preceding voyage of this vessel to Fortune Bay, January, 1875, she brought back a cargo of herring, which sold for	6,414 70
The expenses of that trip were	1,535 85
Leaving a profit of	4,878 85

As this vessel was driven away by the people of Newfoundland without obtaining a load of herring, the voyage resulted in a loss of—

(1.) Money actually paid as expenses	$1,530 97
(2.) Estimated profit, if the vessel did no better than last year	4,878 85
	6,309 82

ANDREW LEIGHTON.

COMMONWEALTH OF MASSACHUSETTS,
Essex, ss:

GLOUCESTER, *December* 20, 1878.

Then personally appeared the above named Andrew Leighton, and made oath that the foregoing statement by him subscribed was true.

Before me.

ALFRED D. FOSTER,
Notary Public.

Schooner Maud & Effie.

Actual expenses as paid out on account of voyage to Fortune Bay, January, 1878.

Port charges, Newfoundland	$20 40
Store account	253 16
Outfits for voyage	1,405 02
Lumber for scaffold	15 00
Ballast	40 00
Crew's wages	650 00
Captain's wages	375 00
Pilotage, Halifax	10 00
Insurance	375 00
Wood and coal	20 00
Railway	19 55
Loss on seine and gear	150 00
	3,333 13
Deduct merchandise and cash returned	954 00
Loss on voyage	2,379 13

On account of the disturbance made by the British fishermen of Fortune Bay, in January, 1878, resulted in a loss, as follows:

Loss on voyage as expenses	$3,379 13
Profit on voyage as should have been, as compared with previous years	2,000 00
Making an actual loss of	5,379 13

GLOUCESTER FISH COMPANY.
WILLIAM H. GARDNER.
SAMUEL G. POOL.

COMMONWEALTH OF MASSACHUSETTS,
Essex, ss:

GLOUCESTER, *December* 2, 1878.

Then personally appeared the above-named W. H. Gardner and Samuel Pool, and made oath that the foregoing statement by them subscribed was true.

Before me.

ALFRED D. FOSTER,
Notary Public.

Schooner Bunker Hill.

NEWFOUNDLAND TRIP, *January*, 1878.

Wages	$797 25
Insurance	450 00
Salt	375 00
Cash	413 00
Cargo for trade	954 20
Store bill	190 05
	3,179 50
Sale of 981 barrels of herring, at $2	1,962 00
	1,217 50
The cargo of the vessel had been contracted for at the rate of $3 per barrel, but on account of the delay they brought $2 per barrel, leaving a loss of.	981 00
Full cargo would have been 1,300 barrels, but on account of disturbance did not obtain but 981 barrels, leaving a deficiency of 319, which would have cost $478.50, were sold for $957, leaving a loss of	478 50
Total	2,677 00

WALEN & ALLEN.

Schooner Isaac Rich.

NEWFOUNDLAND TRIP, *January*, 1878.

Wages	$795 80
Insurance	400 00
Store bill	213 71
Salt	322 88
Cash	103 23
Bill of herring	120 22
Cargo for trade	1,030 25
	2,986 09
Sale of herring, 918 barrels, at $2	1,836 00
	1,150 09
The cargo of the vessel had been contracted for at $3 per barrel, but on account of the delay they only brought $2 per barrel, leaving a loss of	918 00
Full cargo would have been 1,200 barrels, but on account of the disturbance did not obtain but 918, leaving a deficiency 282, which would have cost $423, were sold for $846, a loss of	428 00
	2,491 09

MICHAEL WALEN.

MASSACHUSETTS,
Essex:

GLOUCESTER, *December* 23, 1878.

Personally appeared Michael Walen, and made oath to the truth of the two foregoing statements signed by him.

Before me.

[L. S.]

AARON PARSONS,
Notary Public.

Schooner Bonanza.

The actual expenses of this vessel, including cash paid for wages on the voyage to Fortune Bay, Newfoundland, for herring, in January, 1878, were	$2,855 94
The last preceding trip of this vessel to Fortune Bay netted by sales of herring	4,606 25
The expenses of the trip were	3,465 02
Leaving a profit of	1,141 23

This vessel was driven off in 1878, and only obtained a partial cargo—

(1.) Actual expense, 1878	$2,855 94
(2.) Profit on voyage provided the vessel did no better than on her previous voyage	1,141 23
	3,997 17
Deduct value of partial cargo	975 00
Leaving a loss of	3,022 17

JOSEPH O. PROCTOR,
For self and other owners.

MASSACHUSETTS,
Essex, ss:

GLOUCESTER, *December* 21, 1878.

Personally appeared Joseph O. Proctor, and made oath to the truth of the above statement.

Before me.

[SEAL.]

AARON PARSONS,
Notary Public.

Schooner Moses Knowlton.

Actual expenses of the trip to Fortune Bay for herring in the year 1877 and 1878:

Wages of crew	$834 60
Ballast	100 00
Light-money	27 00
Store bill, provisions for crew, &c	350 00
Lumber for stage and fitting vessel	350 00
	1,661 60
I am not the owner of this vessel, but hired her for this trip, paying for the charter	1,000 00
Actual expenses	2,661 60
Add probable profit, calculated average of previous years	3,000 00
Loss on trip	5,661 60
Credit 180 barrels purchased of the inhabitants of Newfoundland	305 00
Spoilt by the delay	5,356 60

JOHN LOW.

MASSACHUSETTS,
Essex, ss:

GLOUCESTER, MASS., *December* 23, 1878.

Personally appeared said John Low, and made oath to the truth of the foregoing statement signed by him before me.

[SEAL.]

AARON PARSONS,
Notary Public.

Schooner Herbert M. Rogers.

Actual expenses, money paid out on account of voyage to Fortune Bay, January, 1878:

Customs	$4 10
Store account	222 80
Outfit for voyage	1,278 03
Lumber for platform	6 00
Crew's wages	613 65
Captain's wages	360 00
Insurance	362 60
Wood and coal	17 50
Railway	18 50
Mainmast and setting up rigging	168 00
Use of chronometer	15 00
	3,066 18
Deduct proceeds of the few barrels of herring brought back	1,120 00
Actual loss of voyage	1,946 18
In the last voyage to Fortune Bay the same vessel netted	6,285 70
The actual expenses were	2,355 53
Leaving a profit on the voyage of	3,930 17

The trip of January, 1878, to Fortune Bay, on account of the disturbance made by the British fishermen, resulted in a loss of—

(1) Actual expenses	$1,946 13
(2) Profit on the voyage provided the vessel did no better than in the previous year	3,930 17
	5,876 30

ROWE & JORDAN,
Owners and Agents.
By WILLIAM H. JORDAN.

COMMONWEALTH OF MASSACHUSETTS,
Essex, ss:

GLOUCESTER, *December* 2, 1878.

Then personally appeared the aforesaid William H. Jordan, and made oath that the foregoing statement by him subscribed was true, before me.

ALFRED D. FOSTER,
Notary Public.

Schooner John W. Bray.

Statement of trip to Fortune Bay, Newfoundland, January, 1878.

EXPENSE.

Port charges	$46 32
Store account	227 18
Outfits for voyage	1,013 07
Wood and coal	20 14
Insurance	350 00
Crew's wages	581 14
Captain's wages	301 67
Loss on two lines and gear	175 00
	2,714 52
Profit compared with previous years	2,400 00
	5,114 52
Proceeds from part cargo of herring brought home	1,525 45
Balance	3,589 07

JOHN F. WONSON & CO.

GLOUCESTER, *December* 23, 1878.

MASSACHUSETTS,
Essex, ss:

GLOUCESTER, *December* 23, 1878.

Personally appeared F. A. Wonson, a member of the firm of J. F. Wonson & Co., and made oath to the truth of the statement signed by him.

Before me,
[L. S.] AARON PARSONS, *N. P.*

Schooner Maud B. Wetherell.

Actual expenses of trip to Newfoundland for herring in January, 1878:

Store bill	$205 00
Crew's wages	821 72
Ballast	60 00
Insurance	475 00
Salt	325 48
800 barrels	600 00
Duties on barrel Newfoundland	60 00
Labor	45 76
Harbor dues	25 68
	2,618 64

TOTAL EXPENSES.

By the attack made by the inhabitants upon the seines, the captain was forced to purchase his herring for	$1,179 20

This vessel was fitted out for 1,200 barrels; she was able to obtain only 800 in all.

Actual expenses	$2,618 64
Money paid for fish	1,179 20
Loss of profits on 400 barrels, at $2	800 00
	4,597 84
Credit:	
By proceeds of herring sold	2,067 50
Making total loss of	2,521 34

GEORGE DENNIS & CO.

MASSACHUSETTS,
Essex, ss:

GLOUCESTER, *December* 23, 1878.

Personally appeared George Dennis, and made oath to the truth of the above statement signed by him.

Before me,
[SEAL.]

AARON PARSONS,
Notary Public.

D.

Affidavits in reply.

GLOUCESTER, *December* 10, 1878.

I, Charles Dagle, master of the American schooner Lizzie and Namari, of Rockport, district of Gloucester, do, on oath, depose and say, that I know Mr. Bolt, who resided in a hut or shanty near Tickle Beach, Newfoundland; that I was there on the 6th of January, 1878, and saw the hostile acts of the British fishermen. Mr. Bolt's hut is about 150 yards back from the beach. I have been to Newfoundland fourteen successive years, and never heard of any persons claiming any rights on the beach, everybody using it in common. The three huts there are in the nature of squatter property, used only in the winter. Mr. Bolt never made any claim that I knew of; and the American seines were not used within 300 yards of Bolt's place, except where the seines were hauled on the beach by British fishermen and destroyed. The seines that were obliged to be taken up were 500 yards or more from Bolt's place. The seine of the F. A. Smith, Captain McDonald, was one-fourth of a mile away. Mr. Hickey, a resident of Fortune Bay, had his seine nearest to Bolt's house. Mr. Hickey's seine was the first seine set on the 6th of January, 1878, and the British fishermen attacked him as well as the Americans.

CHARLES DAGLE.

MASSACHUSETTS,
Essex, ss:

GLOUCESTER, *December* 12, 1878.

Personally appeared Charles Dagle, and made oath to the truth of the above statement.

Before me,
[SEAL.]

AARON PARSONS,
Notary Public.

GLOUCESTER, *December* 10, 1878.

I, William G. Poole, master of the American schooner Maud & Effie, of Gloucester, do, on oath, depose and say, that I know Mr. Bolt, and also the location of his hut at Tickle Beach, Newfoundland; that I was there on the 6th of January, 1878, and saw and know of the operations of the American seines; that the hut of Mr. Bolt is fully 150 yards back from high-water mark from the beach; that I never heard or knew of any individual or body of men claiming any peculiar or particular rights on this beach, nor was any one ever hindered from fishing, except on the occasion of the 6th of January, 1878, to my knowledge; there was no seine used by the Americans at any time on the beach or within 400 yards of Mr. Bolt's hut, except the seines captured by the British fishermen, which were hauled on to the beach by them (the British fishermen) and cut to pieces and destroyed.

WILLARD G. POOLE.

ESSEX, *ss:*

GLOUCESTER, *December* 11, 1878.

Personally appeared before me the within-named Willard G. Poole, who subscribed and made oath that the within statement is true.

ADDISON CENTER,
Justice of the Peace.

I, Michael B. Murray, master of the American schooner Mary M., of Gloucester, do, on oath, depose and say that I know Matthew Bolt, at Tickle Beach, Newfoundland; have known him to have a shanty there, and lives there winters, for the past four y ars. I never heard or knew of Mr. Bolt or any other person claiming any peculiar o particular rights on this beach, nor exercising any authority there, except the action of the mob on the 6th of January, 1878. Mr. Bolt's shanty is about 150 yards from high-water mark. The American seines were operated more than 400 feet and due south along the beach from Bolt's hut.

MICHAEL B. MURRAY.

MASSACHUSETTS,
Essex, ss:

GLOUCESTER, *December* 23, 1878.

Sworn to this 23d day of December, A. D. 1878, before me,
[SEAL.] AARON PARSONS, *N. P.*

I, Michael B. Murray, of Gloucester, master of the American schooner Mary M., do hereby, on oath, depose and say that I have invariably made good voyage, to Newfoundland, and, with the exception of 1876, have made a clear profit, over and above all expenses, of at least three thousand five hundred dollars for each voyage.

In the year 1875 I made $5,300, clear of all expense, on my voyage to Newfoundland for herring. In 1874 I made $5,500, clear of all expense.

In the year 1876 I had a cargo of 1,445 barrels of salted herring; was very late in the season, and cleared only $2,000.

MICHAEL B. MURRAY.

MASSACHUSETTS,
Essex, ss:

GLOUCESTER, *December* 23, 1878.

Personally appeared M. B. Murray, and made oath to the truth of the above statement.

Before me.
[SEAL.] AARON PARSONS, *N. P.*

GLOUCESTER, *February* 5, 1878.

I, Peter Smith, of Gloucester, master of the American schooner Charles C. Warren, of Gloucester, do, on oath, depose and say that I was at Tickle Beach, Fortune Bay, Newfoundland, on the 6th of January, 1878. That I had been to Labrador, from thence to Bay of Islands, and thence to Fortune Bay, for a load of herring. On the morning of the 6th of January, 1878, herring made their appearance in close proximity to the shore in great abundance. I was provided with two seines with which to take herring, and should have loaded my vessel and others on that day. I had my seine in the boat, and was preparing to use it when the attack was made on the other American seines and I saw them destroyed, and found that the mob of two or three hundred of the British fishermen were determined to destroy every seine, and I did not dare put my seine in the water. After this time I bought of the British fishermen about 400 barrels of herring, paying one dollar and forty cents per barrel. My vessel would carry 1,300 barrels, all of which I could have taken on the 6th of January at little or no cost to myself. I was about a fortnight buying 400 barrels of herring. I consider that my loss was at least $3,000, in addition to the expense of the voyage, by the hostile acts of the British fishermen.

PETER SMITH.

STATE OF MASSACHUSETTS,
Essex, ss:

GLOUCESTER, *December* 14, 1878.

Personally appeared Peter Smith, and made oath to the truth of the above statement signed by him.

Before me.
[SEAL.] AARON PARSONS,
Notary Public.

E.

Official statement of Newfoundland herring fishery.

I, Fitz J. Babson, collector of customs for the district of Gloucester, do certify that the following-named schooners were employed in the Newfoundland herring fishery during season of 1877 and 1878:

		Tons.
Sch.	Herbert M. Rodgers	78
	Moses Adams	100
	John W. Bray	83
	Wildfire	109
	Edward E. Webster	99
	Hereward	90
	Bunker Hill	101
	Landseer	99
	Isaac Rich	92
	Ontario	91
	New England	86
	Frank A. Smith	77

		Tons.
Sch.	Wm. E. McDonald	98
	Moro Castle	89
	Bonanza	137
	Jennie A. Stubbs	198
	Lizzie & Namari	94
	Crest of the Wave	71
	Moses Knowlton	111
	Maud & Effie	85
	Fred. P. Frye	85
	Mary M	102
	Maud B. Wetherell	108
	Cunard	75
	Charles C. Warren	109
	Bellerophon	86
	26 vessels.	

Vessels employed during season of 1878 *and* 1879 *in Newfoundland fisheries.*

Sch.	John S. McQuinn	82
	Falcon	72
	New England	86
	Rattler	83
	Wildfire	109
	Bunker Hill	101
	Isaac Rich	92
	Centennial	116
	8 vessels.	

' Witness my hand and seal this 10th day of January, 1879.
[SEAL.]

F. J. BABSON,
Collector.

[Appendix B, No. 347.]

Mr. Pew to Mr. Evarts.

GLOUCESTER, MASS., *March* 7, 1878.

SIR: We herewith send to your department our claim for loss sustained by us through the destruction of the seines of the American fishing schooners Ontario and New England belonging to us.

The particulars are fully set forth in said claim and the affidavits of the masters and crews of said schooners.

We earnestly hope that the Government of the United States will take such action in the premises as will secure to American vessel-owners, their masters and crews, the right to fish in British waters, granted them by the treaties of Great Britain with the United States. It is a matter of great importance to the fishing interest of New England, and especially to the people of Gloucester. We are not safe in sending vessels to fish in British waters, and therefore the rights granted to our people by the Washington Treaty are of little value, while the rights granted by the United States to the subjects of Great Britain to bring fish to our markets free of duty is a great damage to our fisheries and of great value to the people of the British provinces.

With the fullest confidence that our application will receive due consideration,

We are, &c.,

JOHN PEW & SON.

P. S.—We also inclose you two printed copies of our petition and accompanying affidavits, thinking they may be a convenience to you.—J. P. & S.

To the honorable WILLIAM M. EVARTS,
Secretary of State:

Respectfully represent John Pew, Charles H. Pew, and John J. Pew, all of Gloucester, county of Essex, and commonwealth of Massachusetts, copartners under the firm style of John Pew & Son, that they are American citizens, and engaged in the fishing business at said Gloucester, and were and are owners and fitters of fishing vessels.

That they are the sole owners of the American fishing schooners Ontario and New England, of said Gloucester, and were such owners in the months of November, December, and January last past.

That both of said schooners were fitted for the herring fisheries in the month of November, 1877, and for voyages to Newfoundland, and provided with seines for catching herring. That said schooner Ontario, whereof Peter McAulay was master, sailed on the first day of December, 1877, from said Gloucester, and the said schooner New England, whereof John Dago was master, on the twenty-eighth day of November, 1877; that both schooners had a full supply of men and outfits for said voyage. That said schooner Ontario, when she sailed from said Gloucester on said voyage, with her outfits and seine, was worth the sum of seventy-five hundred dollars; and the said New England, with her outfits and seine, was then and there of the value of eighty-five hundred dollars That said schooners both returned to said Gloucester from said voyage, on the seventeenth day of February, without any herring, except that the said Ontario had about fifty barrels purchased by her.

And we further represent that we are informed by the masters and crews of said schooners, and believe the same to be true, that the reason why they returned without any herring and made disastrous voyages is that they arrived at Long Harbor, Fortune Bay, Newfoundland, on or about the sixteenth day of December, 1877, and found herring scarce, and were unable to obtain any considerable quantity of herring; and that the masters and crews of said schooners waited at said Long Harbor until the sixth day of January, 1878, to catch or purchase herring, as they might be able to do; that on said sixth day of said January, "the signs for herring being good," the masters and crews of both of said schooners joined their purse seines, thereby making a double seine, which was of the value of at least fourteen hundred dollars, and making a seine of about twenty-four hundred feet long and one hundred and fifty feet deep; that the masters and crews of said schooners threw said double seine at said Long Harbor and caught and secured therein a very large quantity of herring, amounting to at least two thousand barrels of herring and more than sufficient to load both of said schooners.

That at about four o'clock of said sixth day of said January some two hundred men, who belonged about Fortune Bay and had gone ashore from English vessels in said Long Harbor, made a war-like demonstration against the masters and crews of said schooners and seized hold of said double seine, tore it in pieces, and carried it off, and thereby freed all of said herring and prevented the masters and crews of said schooners from obtaining them, and thereby destroyed all hope of their obtaining a cargo for either of said vessels. That of said two hundred men some sixty took hold of said seine and destroyed it, and the others were participating in the destruction of the seine by inciting and encouraging those who were destroying it.

That the masters and crews of said schooners were pursuing their business of catching herring at said Fortune Bay in a lawful manner, and were not in any manner or form interfering with the rights of any party or parties at said Newfoundland, and that the action of said parties in destroying said seine was a most wanton destruction of the property of said firm, and was without the least justification in law or good conscience, and was intended to be a war-like demonstration against the American vessels, their owners, masters, and crews, and to intimidate them and prevent them from prosecuting the herring fisheries in the waters of Newfoundland by catching herring, and thereby compel them to buy herring of the inhabitants of Newfoundland, if they would obtain them, at such prices as said people of Newfoundland might ask for them. That all the American vessels at said Newfoundland on said sixth day of said January were from said Gloucester and were there for herring, and among them were the schooners Moses Adams, Herbert M. Rogers, John W. Bray, F. A. Smith, Hereward, William E. McDonald, Moro Castle, Ed. E. Webster, Bonanza, Wildfire, Bunker Hill, and Isaac Rich. That said schooners Ontario and New England were, by reason of the destruction of said seine and the freeing of the herring therein, were both prevented from obtaining cargoes for said schooners.

That after the destruction of said seine, as above set forth, the said parties who had destroyed the same returned to their vessels, and on the evening thereafter, to wit, on the evening of the sixth day of said January, they made a jubilant demonstration, blowing horns, firing guns, and shouting, as if celebrating a victory, to impress upon the masters and crews of the American vessels in said harbor that they were prepared to stand by and justify what had been done, and that the Americans might expect to be treated in future in the same manner should they attempt to catch herring in Newfoundland waters.

And we further respectfully represent that in view of the treatment of the American fishermen by the British subjects at said Newfoundland, it is wholly unsafe for American vessel owners to fit vessels for and send them to Newfoundland waters to catch herring, and that it is unsafe for American fishermen to attempt to catch fish in said waters, and that the demonstration against the American fishing-vessel owners, masters, and crews is of such a character as to make it a public violation of the rights of the citizens of the United States wishing to catch herring and attempting to catch herring there. That the loss to the said firm by reason of the warlike demonstration of the people of Newfoundland herein before set forth, and the destruction of said

seine in the voyages of said two schooners Ontario and New England, amounts to at least the sum of sixty-seven hundred dollars.

In verification of the facts herein set forth, we beg leave to refer to the affidavits of the masters and crews of both of said schooners Ontario and New England herewith submitted.

Wherefore, we respectfully ask that your Department will cause our said damage to be paid by the British Government, and such action to be taken as will secure to American shipowners and fishermen the rights to which they are justly and legally entitled by the laws and treaties of the United States.

And as in duty bound will ever pray.

JOHN PEW,
CHARLES H. PEW,
JOHN J. PEW.

COMMONWEALTH OF MASSACHUSETTS,
Essex County, ss:

On this fourth day of March, in the year of our Lord one thousand eight hundred and seventy-eight, before me personally appeared John Pew, Charles H. Pew, and John J. Pew, copartners, and made oath that they have read the affidavit hereto annexed, subscribed by them, and know the contents thereof, and that the same is true of their own knowledge except as to matters which are therein stated to be on their information and belief, and as to those matters they believe them to be true.

Before me.

[SEAL.]

SUMNER D. YORK,
Notary Public.

I, Peter McAulay, of Gloucester, county of Essex and commonwealth of Massachusetts, master mariner, on oath, depose and say that on the first day of December, A. D., 1877, I was master of the fishing schooner Ontario of said Gloucester, of the burthen of ninety-one tons and twenty-nine one hundredths, and on said first day of said December I sailed on a voyage from said Gloucester to Fortune Bay, on the southwest of Newfoundland, for a cargo of herring, and back to same port of discharge in the United States; that said schooner Ontario was fully fitted for said voyage. and had on board a mate and five men, making in all seven men; that I arrived with said schooner on said voyage at Fortune Bay, Long Harbor, about the sixteenth day of said December; that I found herring very scarce, and up to the sixth day of January, A. D. 1878, had not been able to obtain, by purchase or otherwise, more than fifty barrels of herring.

That on the sixth day of said January, there being "good signs for herring," and the schooner New England, of said Gloucester, being a fishing schooner from said Gloucester, and provided with seine, which said schooner belonged to the firm of John Pew & Son, of said Gloucester, the same parties to whom the said Ontario belonged, the masters and crews of both of said schooners threw the said seine to catch herring to load both of said schooners.

That said seine, on being thrown, took a large haul of herring, amounting, at least, to two thousand barrels of herring. and more than sufficient to load both of said schooners. That said herring being fully secured in said seine, and said schooners and said seine being at said Long Harbor, this affiant saw about two hundred men on the shore at about four o'clock in the afternoon of said sixth day of said January, while the seine was in charge of the masters and crews of said schooners Ontario and New England, make an attack upon said seine in a most violent manner, and tear up and carry off the seine, and thereby let the herring out of said seine, and prevent the masters and crews of said schooners from obtaining any of said herring. That the men who made said attack upon and destroyed said seine prevented the masters and crews of said schooners from protecting said seine, and some sixty of said two hundred men took hold of said seine while all the rest of them were inciting and encouraging those who had hold of said seine and were destroying it. That the said men so destroying said seine and inciting those destroying it used threats and violence towards both the masters and crews of said schooners and fully overpowered them, so that they could not protect said seine and save the herring therein. That most of said two hundred men landed from boats in the said bay, and were men belonging in and about said Fortune Bay. That said men who made said attack upon said seine and destroyed the same had been fishing with nets during the day and with seines in the same neighborhood, and had taken quite a large quantity of herring.

And this affiant further says that both he and his crew and the master and crew of the schooner New England were pursuing their business in a peaceful and lawful manner, and were not interfering in any manner or form with the rights of any party at said Newfoundland. That the attack upon said seine by said persons from the shore of Fortune Bay was wholly without justification or excuse, and was a warlike demonstration against the American vessels there, which amounted to some fifteen in number, and were all from the said port of Gloucester, among which were the schooners F. A. Smith, Moses Adams, Hereward, William E. McDonald, Moro Castle, Ed. E. Webster, Bonanza, Wildfire, Herbert M. Rogers, Bunker Hill, Isaac Rich, and John W. Bray.

That this affiant believes that the only reason of said attack and demonstration by the said persons from the shore was to intimidate the American fishermen there and to prevent them from catching herring, so that the said parties on the shore of Newfoundland might sell herring to the vessels from the United States at a high price and keep the whole control of the herring fisheries in their hands, and wholly deprive the citizens of the United States from prosecuting said fisheries at Newfoundland or obtaining the herring there in any other manner than by purchase.

This affiant believes that it is wholly unsafe for American vessels to catch herring in the Newfoundland waters; that the people of Newfoundland are belligerent and threatening in their treatment of American fishermen, and seem determined to prevent them from prosecuting their business in Newfoundland waters in any manner which is not satisfactory to the inhabitants thereof. That this affiant, had he not been deprived of his herring in said seine, would have loaded his said schooner Ontario with herring and returned to Gloucester by about the twenty-fifth of January last past and made a successful voyage, but, by reason of the destruction of said seine and the losing of the herring therein, he was wholly prevented from getting any herring, and obliged to return to Gloucester in ballast, except fifty barrels of herring which he purchased and was unable to purchase more, making thereby a disastrous instead of a profitable voyage. And this affiant says that all he has said with reference to the schooner Ontario is also true of his personal knowledge of the said schooner New England, of which John Dago was master, both schooners arriving at Fortune Bay on the same day, and arrived from said voyage at Gloucester on the same day, and were to act together and did act together in endeavors to obtain cargoes for said schooners, and were both affected alike by the destruction of said seine and the loss of the herring in the same at the time it was destroyed, as above set forth.

And this affiant further says that on the evening of the said sixth day of said January, after the destruction of said seine, the parties who destroyed it returned to their vessels in said harbor and made a jubilant demonstration, firing guns, blowing horns, and shouting as if celebrating a victory, to impress upon the masters and crews of the American vessels at said harbor that they were prepared to stand by and justify what had been done, and that the Americans might expect to be treated in future in the same manner should they attempt to catch herring in the Newfoundland waters.

PETER McAULAY.

COMMONWEALTH OF MASSACHUSETTS,
Essex, ss:

GLOUCESTER, *February* 21, 1878.

Subscribed and sworn to this twenty-first day of February, A. D. 1878.
Before me,
[SEAL.]

SUMNER D. YORK,
Notary Public.

We, Allen McDonald, Daniel Tucker, Peter McKinnon, Charles McNeil, and Robert McDonald, all of Gloucester, in the county of Essex, and commonwealth of Massachusetts, late mariners on board the fishing schooner Ontario, of said Gloucester, an American vessel belonging to John Pew & Son, of said Gloucester, whereof Peter McAulay was and is master, on oath, depose and say:

That we sailed from said Gloucester about the first day of December, eighteen hundred and seventy-seven, to Newfoundland, for herring, and back to a port of discharge in the United States; that we arrived at Newfoundland at a place called Long Harbor, Fortune Bay, about the sixteenth day of December, eighteen hundred and seventy-seven; that on the sixth day of January the seine belonging to the American fishing schooner New England was thrown at said Long Harbor by the master and crew of said schooner Ontario and the master and crew of said schooner New England, acting together, and a large quantity of herring were then and there secured in said seine. That the affidavit of Peter McAulay, this day taken at said Gloucester, before Sumner D. York, a notary public, relative to the destruction of said seine at Long Harbor, on said sixth day of January, by the people of Newfoundland, has been read to us, and the mode and manner of the destruction of said seine, and the conduct of the parties at the time of destroying it and afterwards, and the inability of the masters of said schooners to obtain herring at Newfoundland after the destruction of said seine, are correctly set forth in said affidavit of said McAulay.

ALLEN McDONALD.
his
DANIEL + TUCKER.
mark.
PETER McKINNON.
his
ROBERT + McDONALD.
mark.
CHARLES McNEIL.

Witness to all the signatures,
[SEAL.] SUMNER D. YORK.

COMMONWEALTH OF MASSACHUSETTS,
Essex, ss:

GLOUCESTER, *February* 21, 1878.

Subscribed and sworn to before me by the above-named Allen McDonald, Daniel Tucker, Peter McKinnon, Robert McDonald, and Charles McNeil.

SUMNER D. YORK,
Notary Public.

I, John Dago, of Gloucester, county of Essex, and commonwealth of Massachusetts, master-mariner, on oath, depose and say that I was master of the fishing-schooner New England, of said Gloucester, of eighty-six tons burthen or thereabouts, belonging to John Pew & Son, of said Gloucester, on the twenty-eighth day of November last past, and as master sailed with said schooner on said day on a voyage to Newfoundland, for herring, and back to a market in the United States; that her crew consisted of seven men all told, including the master; that she arrived at Fortune Bay, Newfoundland, about the sixteenth day of December, A. D. 1877; that the schooner Ontario, of said Gloucester, belonging to said firm of John Pew & Son, whereof Peter McAulay was then and there master, arrived on the same day; that I had a seine for catching herring for the purpose of loading both of said schooners, and the master and crews of said schooners were to act in company in loading said schooners, and said schooners were near each other in said Fortune Bay at Long Harbor.

I further depose and say that I have read the affidavit of said McAulay stating the facts relative to the destruction of said seine by the people at said Fortune Bay, coming from the shore, and the loss of the herring in said seine at the time of its destruction, which amounted to at least 2,000 barrels, which were fully secured in said seine at the time of its destruction, and all the facts in said affidavit relating to the destruction of said seine, the mode and manner in which it was done, and the conduct of the people who destroyed it, at the time and after it was destroyed, and the loss of the voyages of both of said schooners, and the belligerent spirit manifested by the people of Newfoundland towards American fishermen, and the danger to them of attempting to catch fish in Newfoundland waters, together with all the other facts set forth therein, are to my personal knowledge true, except as to the time of the sailing of the said schooner Ontario from Gloucester, she not having sailed from Gloucester on the twenty-eighth day of November, 1877.

JOHN DAGO.

COMMONWEALTH OF MASSACHUSETTS,
Essex, ss:

Subscribed and sworn to this twenty-first day of February, A. D. 1878, before me.
[SEAL.] SUMNER D. YORK.

We, Fred. Morin, Joseph Gray, Fred. Hall, Peter Forrest, Alex. D. Bushee, Edward Phelan, all of Gloucester, county of Essex, and commonwealth of Massachusetts, on oath, depose and say:

That we belong to the crew of the American schooner New England, belonging to John Pew & Son, of said Gloucester, whereof John Dago was master, on her late voyage from said Gloucester to Newfoundland, for herring. That we sailed from said Gloucester about the 28th day of November, 1877, and arrived at Long Harbor, Fortune Bay, about the sixteenth day of December, 1877. That on the sixth day of January the seine belonging to the said schooner New England was thrown at said Long Harbor by the master of said schooner and the master of the schooner Ontario, of said Gloucester, and the crews of said schooners, and a large quantity of herring secured in said seine. That the affidavit of Peter McAulay relative to the destruction of said seine at Long Harbor on said sixth day of said January by the people from Newfoundland, and the mode and manner of the destruction of said seine, and the conduct of the parties at the time of destroying it and afterwards, and the inability of the masters of said schooners to obtain herring at said Newfoundland after the destruction of said seine are correctly set forth in said affidavit of said McAulay, taken this day before Sumner D. York, a notary public, which has been read to us. And we do hereby fully confirm the statements made by him in said affidavit in all particulars except as to the day when he left said Gloucester on said voyage, which is unknown to us. The said schooner Ontario did not leave said port of Gloucester until after said schooner New England sailed on said voyage.

PETER FORREST.
ALEX. D. BUSHEE.
FRED. MORIN.
EDW'D PHELAN.
JOSEPH GRAY
FRED. HALL.

COMMONWEALTH OF MASSACHUSETTS,
County of Essex, ss, city of Gloucester:

On this 23d day of February, A. D. 1878, personally appeared Alex. D. Bushee, Fred. Morin, Edw'd Phelan, Joseph Gray, and Fred. Hall, and were severally sworn to the truth of the foregoing statement by them subscribed before me.

[SEAL.] CYRUS STORY,
Notary Public.

DOCUMENT No. 11.

Mr. Welsh to Mr. Evarts.

No. 347.] LEGATION OF THE UNITED STATES,
London, August 13, 1879. (Received August 28.)

SIR: I have the honor to acknowledge the receipt of your most important dispatch No. 34 of the 1st instant, containing the statement of the claims of the owners of twenty-two fishing vessels for loss and damage arising from the conduct of certain inhabitants of Newfoundland, at Fortune Bay, in January, 1878.

As this instruction did not arrive until yesterday, and as I am to present my letter of recall to Her Majesty to-morrow, I have no time to embody its statements and arguments in a separate note to Lord Salisbury. I think, besides, that it is so full, clear, and convincing in its present shape that I should weaken its force by changing its form.

I have taken the liberty, therefore, to send a copy of it to-day to Lord Salisbury with a note, of which I inclose a transcript.

As the details of the losses contained in the printed pamphlet which accompanied your instruction appeared to me to be important, and as there was not sufficient time to copy them, I have sent the appendix to the pamphlet, and also the original account of the owners of the New England and Ontario, to his lordship for his information, with a request that he should return them to this legation at his entire convenience. I think it desirable that additional copies of these papers should be furnished to us by the Department of State.

I have to add that I have also this day sent to Lord Salisbury the statement of a claim for damages on behalf of the owners of the schooner Mist, agreeably to your instruction, No. 346, of the 1st instant.

I have, &c.,

JOHN WELSH.

[Inclosure with No. 347.]

Mr. Welsh to the Marquis of Salisbury.

LEGATION OF THE UNITED STATES.
London, August 13, 1879.

MY LORD: I have just received a very important dispatch from Mr. Evarts, stating the claims for damages, amounting to $105,305.02, sustained by certain citizens of the United States, owners of twenty-two vessels, in Fortune Bay, Newfoundland, in the month of January, 1878, which claims have already formed the subjects of a previous correspondence with your lordship.

As the argument for the payment of these by Her Majesty's Government is presented by Mr. Evarts in a very full, clear, and forcible manner, I have thought it proper to submit his instruction to me in its original form to your lordship, asking for it an early and favorable consideration.

I have, &c.,

JOHN WELSH.

DOCUMENT No. 12.

Mr. F. W. Seward to Mr. Hoppin.

No. 361.] DEPARTMENT OF STATE,
Washington, August 28, 1879.

SIR: I have to acknowledge the receipt of Mr. Welsh's No. 347 of the 13th instant, and to approve the prompt presentation of the claims of the United States fishermen at Fortune Bay, which formed the subject of my No. 347 of the 1st instant.

The additional copies of certain papers connected with the cases, which he thinks it desirable to have transmitted, will be sent as soon as practicable.

I am, &c.,

F. W. SEWARD,
Acting Secretary.

DOCUMENT No. 13.

[Telegram.]

Mr. Evarts to Mr. Hoppin.

WASHINGTON, *November* 20, 1879.

HOPPIN, *Chargé, London:*

(Directing him to inquire when an answer might be expected in the matter of the Fortune Bay claims.)

EVARTS,
Secretary.

DOCUMENT No. 14.

Mr. Hoppin to Mr. Evarts.

No. 111.] LEGATION OF THE UNITED STATES,
London, November 22, 1879. (Received December 4.)

SIR: Your telegram requesting me to ask Lord Salisbury when to expect an answer in relation to the Fortune Bay claims was brought to this office at a late hour on Thursday evening. Early the next day, the 21st instant, I addressed a note to his lordship, a copy of which I inclose herewith.

I have not yet had a reply, and shall probably be obliged to close this dispatch before one arrives. Whenever it comes I shall immediately send you the substance of it by telegraph, agreeably to your instructions.

I have, &c.,

W. J. HOPPIN.

[Inclosure with No. 111.]

Mr. Hoppin to the Marquis of Salisbury.

Immediate.] LEGATION OF THE UNITED STATES,
London, November 21, 1879.

MY LORD: I received last night a cable dispatch from Mr. Evarts, requesting me to ask your lordship when he might expect an answer to Mr. Welsh's notes of the 13th of August last, in relation to the damages sustained by citizens of the United States in Fortune Bay in January, 1878.

As I am instructed to reply by telegraph I venture to solicit your lordship to give an early answer to Mr. Evarts's inquiry.

I have, &c.,

W. J. HOPPIN.

DOCUMENT No. 15.

Mr. Hoppin to Mr. Evarts.

No. 112.] LEGATION OF THE UNITED STATES,
London, November 25, 1879. (Received December 6.)

SIR: Referring to my No. 111 of the 22d instant, I have the honor to acquaint you that, not having received a reply to my note of the 21st to Lord Salisbury, I went to the Foreign Office yesterday to obtain in person the information you requested. Neither his lordship nor Lord Tenterden or Sir Julian Pauncefote were there; but I saw Mr. Barrington, one of Lord Salisbury's secretaries, who said that a note was being written in answer to mine, to the effect that the claims of the Fortune Bay fishermen were under consideration, and that a reply to your instruction to Mr. Welsh on that subject would be prepared as soon as practicable. He intimated that Lord Salisbury would come to the office in the evening, and he would convey to him my request for more definite information.

Not having heard from Mr. Barrington at six o'clock, and not venturing to postpone any later my acknowledgment of your telegram, I sent you a cable message. Some time after that was dispatched I had a note from Mr. Barrington, of which I inclose a copy herewith.

You will observe that Lord Salisbury regrets the delay in answering our claims, which he ascribes to the necessity of sending to the governor of Newfoundland for a report that has only just been received, that the subject is having his best attention, but he fears some time must elapse before he can make a communication in regard to it.

I expect a more formal answer to my note, but I shall send you the substance of this by cable to-night, as the importance of the subject and the shortness of the interval before Congress shall meet, justify the additional expense.

I beg to remind you of Mr. Welsh's statement in his No. 347, that by reason of the want of time to make copies he was obliged to send to Lord Salisbury the appendix to the printed pamphlet, and also the original account of the owners of the New England and Ontario. These have not yet been returned from the Foreign Office, as we requested, and I think it is desirable that duplicates should be supplied to us from Washington in order that our records may be complete.

I have, &c.,

W. J. HOPPIN.

[Inclosure with No. 112.]

Mr. Barrington to Mr. Hoppin.

FOREIGN OFFICE, *November* 24, 1879.

DEAR MR. HOPPIN: Lord Salisbury desires me to express his regret that he should not yet have been able to send a reply to your government in the case of the Fortune Bay claims. It is receiving his best attention, but as it was necessary to refer to the governor of Newfoundland for a report, which has only just been received, he fears some time must elapse before he can make a communication on the subject.

I am yours, very truly,

ERIC BARRINGTON.

An official note to this effect ought to reach you without delay.

DOCUMENT No. 16.

Mr. Hoppin to Mr. Evarts.

No. 113.] LEGATION OF THE UNITED STATES,
London, November 28, 1879. (Received December 10.)

SIR: Referring to my dispatch No. 112, of the 25th of November, I have now the honor to inclose Lord Salisbury's formal answer to my inquiry as to when a reply might be expected from him to your instruction No. 347 to Mr. Welsh in relation to the claims of the Fortune Bay fishermen. You will observe that he explains his delay in this matter by the necessity of a reference to the authorities of Newfoundland.

I have, &c.,

W. J. HOPPIN.

[Inclosure with No. 113.]

The Marquis of Salisbury to Mr. Hoppin.

FOREIGN OFFICE, *November* 24, 1879.

SIR: I have the honor to acknowledge the receipt of your letter marked "Immediate," of the 21st instant, informing me that you had received on the previous evening a cable dispatch from Mr. Evarts, requesting you to inquire of me when an answer might be expected to Mr. Welsh's notes of the 13th of August last in relation to the damages sustained by citizens of the United States in Fortune Bay in January, 1878, and I have to state to you in reply that some delay has arisen owing to the necessity of a reference to Newfoundland, but that a communication will be addressed to you in answer to the notes in question at as early a date as possible.

I have, &c.,

SALISBURY.

DOCUMENT No. 17.

Mr. Evarts to Mr. Hoppin.

No. 412.] DEPARTMENT OF STATE,
Washington, January 15, 1880.

SIR: Referring to Mr. Welsh's No. 347 and your No. 112, I now inclose herewith the duplicates requested in the dispatches just named.

I am, &c.,

WM. M. EVARTS.

DOCUMENT No. 18.

Mr. Evarts to Mr. Hoppin.

[Telegram.]

WASHINGTON, *February* 5, 1880.

HOPPIN, *Chargé, London:*

(Directing him to inquire at what time an answer in respect of the Fortune Bay claims might be expected, and to express the great chagrin of this government that no answer had already been made.)

EVARTS,
Secretary.

DOCUMENT No. 19.

Mr. Hoppin to Mr. Evarts.

No. 143.] LEGATION OF THE UNITED STATES,
London, February 7, 1880. (Received February 24.)

SIR: I have the honor to acknowledge the receipt yesterday of your dispatch in cipher relating to the great delay of the British Government in answering our claim for the Fortune Bay damages. I knew that Lord Salisbury had been seriously ill for some time past at Hatfield, and I ascertained at the foreign office, where I made immediate inquiries, that his illness still continued and that he was not attending to business. I therefore made an appointment with Sir Julian Pauncefote, who is in charge of the foreign office, Lord Tenderden being absent, for an interview to-day. I have just returned from this interview.

I called his attention in the course of it to the fact that our claim was presented as early as the 13th of August; that Lord Salisbury promised on the 16th it should receive immediate attention; that his lordship assured us on the 24th of November that an answer should be sent at as early a date as possible, and that nearly two months and a half had now elapsed without our having been favored with one. I then expressed the chagrin you felt at this delay, and gave him a copy of the translation of your cipher telegram.

Sir Julian admitted the delay, and said that it arose in part from the importance of the questions involved in the discussion; that after the claim had been received it was thought advisable to consult the authorities in Newfoundland; that some time elapsed before their answer arrived, when the matter was placed in his (Sir Julian's) hands to prepare a case upon it for submission to the law officers of the crown; that these gentlemen had the case before them still, the reason for their delay being the great importance of the points involved, and also the accumulation of references in other matters which had been made to them during the recess of Parliament.

Sir Julian promised that he would communicate with them immediately and press for a report, and would send them a copy of your telegram to hasten their action. He said, also, that he should send a copy of this to Lord Salisbury, notwithstanding his physician's injunctions that his lordship should abstain from all business. Finally he declared that I might expect to receive on Monday, for communication to yourself, something more definite in relation to this matter.

I have, &c.,

W. J. HOPPIN.

DOCUMENT No. 20.

Mr. Hoppin to Mr. Evarts.

No. 147.] LEGATION OF THE UNITED STATES,
London, February 10, 1880. (Received February 24.)

SIR: Referring to my No. 143, of the 7th instant, I have the honor to state that up to this time I have not received any further communication from the foreign office as to when we may expect an answer to our Fortune Bay claims, although, as I informed you both by that dispatch and by cable, Sir Julian Pauncefote gave me to understand he should send me more definite information on that point yesterday.

I presume that his silence arises from Lord Salisbury's continued illness. It is possible a note may arrive after the closing of the bag. Whenever it comes I shall send you the substance of it by cable.

It is proper for me to state, in addition to what I wrote you on Saturday, that Sir Julian Pauncefote intimated that they would probably be able to receive the opinions of the law officers of the crown very shortly, so that, with the additional delay of reconsidering the matter in the foreign office, we might rely upon having a reply certainly within a month from the present time; but he preferred I should make no positive statement on this point until I should hear from him again.

I have, &c.,

W. J. HOPPIN.

DOCUMENT No. 21.

Mr. Hoppin to Mr. Evarts.

No. 150.] LEGATION OF THE UNITED STATES,
London, February 14, 1880. (Received February 24.)

SIR: Referring to my Nos. 143 and 147, of the 7th and 10th instant, I have the honor to inclose herewith a copy of a note which I received late in the evening of the 13th instant from Sir Julian Pauncefote, desiring me to convey to you the regrets of Her Majesty's Government for their unavoidable delay in answering your note in relation to the Fortune Bay claims. It will be observed that he gives the same reasons for his delay, and announces the same intention to expedite the action of the government here in this matter, which he stated to me at our interview on the 7th instant, and which I had the honor to communicate to you in the dispatches above mentioned and in my telegrams of the 11th and 13th instant.

I have, &c.,

W. J. HOPPIN.

[Inclosure with No. 150.]

Sir Julian Pauncefote to Mr. Hoppin.

FOREIGN OFFICE, *February* 12, 1880.

SIR: With reference to the telegram addressed to you by Mr. Evarts relative to the Fortune Bay question, a copy of which you communicated to me, I have the honor to request that you will convey to Mr. Evarts the regret of Her Majesty's Government at the delay which has unavoidably occurred in answering the claim of the United States Government. On receipt of the report upon the case, which had been called for from

the Government of Newfoundland, it was found necessary to refer certain points to the law officers of the crown for their opinion, and owing to the great pressure of business after the Parliamentary recess, and on the reopening of the law courts, as well as from the voluminous character of the documents submitted to them, they have been unable up to the present time to complete their examination of the case.

They will be immediately requested to expedite their report, and as early as possible after the receipt of it I shall not fail to make known to you, for communication to your government, the views of Her Majesty's Government on the question.

I have, &c.,

In the absence of Lord Salisbury :

JULIAN PAUNCEFOTE.

DOCUMENT No. 22.

Mr. Hoppin to Mr. Evarts.

LEGATION OF THE UNITED STATES,
London (*Saturday*, 5 *p. m.*), *February* 14, 1880.

DEAR MR. EVARTS: My attention has just been called to the passage in yesterday's Times, which I have marked with red pencil, in which a question is asked of the under foreign secretary about the Fortune Bay claims.

I have no time to inclose this in a regular dispatch.

Very respectfully, &c.,

W. J. HOPPIN.

[Inclosure with the foregoing.]

[The Times, Friday, February 13, 1880.]

HOUSE OF COMMONS, *Thursday*, *February* 12.

CANADIAN AND NEWFOUNDLAND FISHERIES.

Mr. GOURLEY asked whether the claim of the United States Government for $103,000 for damages alleged to have been done by Newfoundland fishermen in Fortune Bay to the Massachusetts fishing fleet had been amicably arranged; what measures were being adopted for the purpose of abrogating or amending clause 33 of the Treaty of Washington relative to the Canadian and Newfoundland inshore fisheries; and whether steps were being taken for the purpose of ascertaining if the proviso of the convention of 1818, which admits American fishermen to enter British North American bays or harbors for the purpose of shelter, repairing damages, and purchase of wood and water, was intended to exclude them from going inshore to traffic, transship fish, purchase stores, mend nets, and hire seamen.

Mr. BOURKE. The claim of the United States Government for damages alleged to have been done by Newfoundland fishermen in Fortune Bay is still under the consideration of Her Majesty's Government. No measures are being adopted for the purpose of abrogating or amending clause 33 of the Treaty of Washington. The extent of the fishing privileges accorded to the United States on the shores of Canada and Newfoundland is laid down in the convention of 1818, and in the Treaty of Washington of 1871. Her Majesty's Government have not at present found it necessary to make any communication to the United States Government with a view of defining more precisely the exact interpretation of the language of those treaties.

Mr. GOURLEY said that on an early day he would call attention to the convention of 1818 between this country and the United States relative to fisheries.

DOCUMENT No. 23.

Mr. Evarts to Mr. Hoppin.

[Telegram.]

WASHINGTON, *February* 26, 1880.

HOPPIN, *Chargé, London:*

(Stating the increased chagrin with which this government learns, from his No. 147, of there being even a possibility of an additional month's delay, and directing him to urge Her Majesty's Government to avoid it if possible.)

EVARTS.

DOCUMENT No. 24.

Mr. Hoppin to Mr. Evarts.

No. 156.] LEGATION OF THE UNITED STATES,
London, February 27, 1880. (Received March 13.)

SIR: I received late last evening your telegram without date, stating that you learned with increased chagrin, from my No. 147, of even a possible further delay of one month in the answer to our Fortune Bay claims, and instructing me to urge its avoidance if possible. I have, accordingly, addressed Lord Salisbury again on this subject, and herewith inclose a copy of my note to his lordship.

I have, &c.,

W. J. HOPPIN.

[Inclosure with No. 156.]

Mr. Hoppin to the Marquis of Salisbury.

LEGATION OF THE UNITED STATES,
London, February 27, 1880.

MY LORD: I have the honor to acquaint you that I received from the honorable the Secretary of State, last evening, a further telegram in relation to the delay of Her Majesty's Government in answering our claims for damages on account of the proceedings at Fortune Bay.

Your lordship will be good enough to remember that on the 7th instant, in the absence of your lordship, I had a conversation with Sir Julian Pauncefote at the foreign office on this subject, and gave him a copy of the cable dispatch I had received from Mr. Evarts the day before.

Afterwards, on the 12th instant, I received from Sir Julian a note in relation to this matter, a copy of which I sent to Mr. Evarts on the 14th, having already telegraphed the subtance of it to him on the 13th instant.

During our conversation on the 7th of February, when I pressed Sir Julian Pauncefote for an approximate statement of the time within which we might expect your lordship's reply to our claims, he intimated that it would certainly be given within a month from that date, and I so informed Mr. Evarts in a dispatch of the 10th of February.

In the cable message which I have now received, Mr. Evarts states that he learns with "increased chagrin," from my dispatch to him last mentioned, "of even a possible further delay of one month," and he instructs me to "urge its avoidance if possible."

I lose no time, therefore, in bringing this subject again to your lordship's attention, and in expressing the disquiet which Mr. Evarts feels that an answer to these claims which were brought to the notice of Her Majesty's Government so long ago as the 13th of August last may possibly be still further delayed.

I have, &c.,

W. J. HOPPIN.

DOCUMENT No. 25.

Mr. Hoppin to Mr. Evarts.

No. 163.] LEGATION OF THE UNITED STATES,
London, March 9, 1880. (Received March 22.)

SIR: Referring to my dispatch, No. 150, of the 14th ultimo, in relation to the delay of the British Government to reply to your note on the subject of the Fortune Bay claims, I have now the honor to inclose a copy of a note of Lord Salisbury, in which it is stated that the report of the law officers of the crown upon the case has now been received.

I have, &c.,

W. J. HOPPIN.

[Inclosure with No. 163.]

The Marquis of Salisbury to Mr. Hoppin.

FOREIGN OFFICE, *March* 2, 1880.

SIR: I have the honor to acknowledge the receipt of your communication of the 27th ultimo, informing me that you had on the evening of the preceding day received a further telegram from Mr. Evarts in relation to the delay of Her Majesty's Government in replying to the claim put forward by the United States Government in connection with the occurrences at Fortune Bay in January, 1878, and I have to state to you with reference thereto, that the report of the law officers of the crown upon the case has now been received, and that therefore the reply of Her Majesty's Government will be sent with the least possible delay, having regard to the question under consideration.

I have, &c.,

SALISBURY.

DOCUMENT No. 26.

Mr. Hoppin to Mr. Evarts.

No. 170.] LEGATION OF THE UNITED STATES,
London, April 6, 1880. (Received April 19.)

SIR: I have the honor to inclose herewith the copy of a communication which I received from Lord Salisbury yesterday, in reply to Mr. Welsh's notes of the 13th of August last, in relation to the damages sustained by certain citizens of the United States, owners of twenty-two fishing vessels, in Fortune Bay, Newfoundland, in the month of January, 1878.

It will be observed that the British Government have returned an unfavorable answer to our claims.

I sent you an abstract of Lord Salisbury's letter by cable last evening.

I have, &c.,

W. J. HOPPIN.

[Inclosure 1, with No. 170.]

The Marquis of Salisbury to Mr. Hoppin.

FOREIGN OFFICE, *April* 3, 1880.

SIR: In the note which I had the honor to address to you on the 12th of February I explained the reason why a certain time has unavoidably elapsed, before Her Majesty's Government were in a position to reply to Mr. Welsh's notes of the 13th of

August last, in which he preferred, on the part of your government, a claim for $105,305.02 as compensation to some United States fishermen, on account of losses stated to have been sustained by them, through certain occurences which took place at Fortune Bay, Newfoundland, on the 6th of January, 1878. The delay which has arisen has been occasioned by the necessity of instituting a very careful inquiry into the circumstances of the case, to which, in all its bearings, Her Majesty's Government were anxious to give the fullest consideration, before coming to a decision. Her Majesty's Government having now completed that inquiry, so far as lies within their power, I beg leave to request you to be so good as to communicate to your government the following observations on the case.

In considering whether compensation can properly be demanded and paid in this case, regard must be had to the facts as established, and to the intent and effect of the articles of the Treaty of Washington, and the convention of 1818, which are applicable to those facts.

The facts, so far as they are known to Her Majesty's Government, are disclosed by the affidavits contained in the inclosed printed paper, which, for convenience of reference, have been numbered in consecutive order. Nos. 1 and 2 were received by Her Majesty's Government from his excellency the governor of Newfoundland. Nos. 3 to 10, inclusive, were attached to the report made by Captain Sulivan, of Her Majesty's ship Sirius, who was instructed to make an inquiry into the case. These were communicated to Mr. Welsh with my note of the 7th of November, 1878. Nos. 11 to 16, inclusive, are the affidavits of United States fishermen printed in the New York Herald of the 28th of January, 1878, and were received from Her Majesty's minister at Washington. They have not been received officially from the Government of the United States, but Her Majesty's Government see no reason to doubt their authenticity. Nos. 17 to 22 were annexed to Mr. Welsh's note of the 13th of August last.

A careful examination of the above evidence shows that on the day in question a large number of the crews of the United States fishing vessels came on shore and from the beach, barred the herrings, the ends of their seines being secured to the shore. That the fishermen of the locality remonstrated against these proceedings, and, upon their remonstrance proving unavailing, removed the nets by force.

Such being the facts, the following two questions arise:

1. Have United States fishermen the right to use the strand for purposes of actual fishing?

2. Have they the right to take herrings with a seine at the season of the year in question, or to use a seine at any season of the year for the purpose of barring herrings on the coast of Newfoundland?

The answers to the above questions depend on the interpretation of the treaties.

With regard to the first question, namely, the right to the strand fishery, I would observe that article 1 of the convention between Great Britain and the United States of the 20th of October, 1818, secured to citizens of the United States the right in common with British subjects to take fish of every kind on certain specified portions of the coast of Newfoundland, and to use the shore for the purposes of purchasing wood and obtaining water, and for no other purpose whatever.

Articles XVIII and XXXII of the Treaty of Washington superadded to the above-mentioned privileges the right for United States fishermen to take fish of every kind (with certain exceptions not relevant to the present case) on all portions of the coast of that island, and permission to land for the purpose of drying their nets and curing their fish, "provided that, in so doing they do not interfere with the rights of private property or with British fishermen in the peaceable use of any part of the said coast in their occupancy for the same purpose."

Thus whilst absolute freedom in the matter of fishing in territorial waters is granted, the right to use the shore for four specified purposes alone is mentioned in the treaty articles, from which United States fishermen derive their privileges, namely, to purchase wood, to obtain water, to dry nets, and cure fish.

The citizens of the United States are thus by clear implication absolutely precluded from the use of the shore in the direct act of catching fish. This view was maintained in the strongest manner before the Halifax Commission by the United States agent, who, with reference to the proper interpretation to be placed on the treaty stipulations, used the following language: "No rights to do anything upon the land are conferred upon the citizens of the United States under this treaty, with the single exception of the right to dry nets and cure fish on the shores of the Magdalen Islands, if we did not possess that before. No right to land for the purpose of seining from the shore; no right to the 'strand fishery' as it has been called; no right to do anything except water-borne on our vessels, to go within the limits which had been previously forbidden.

So far as the herring trade goes, we could not if we were disposed to carry it on successfully under the provisions of the treaty, for this herring trade is substantially a seining from the shore, a strand fishing, as it is called, and we have no right any-

where conferred by this treaty to go ashore and seine herring any more than we have to establish fish-traps.

Her Majesty's Government, therefore, cannot anticipate that any difference of opinion will be found to exist between the two governments on this point.

The incident now under discussion occurred on that part of the shore of Fortune Bay which is called Tickle Beach, Long Harbour. On this beach is situated the fishing settlement of Mark Bolt, a British fisherman, who in his evidence, taken upon oath, deposed as follows:

"The ground I occupy was granted me for life by government, and for which I have to pay a fee. There are two families on the beach; there were three in winter. Our living is dependent on our fishing off this settlement. If these large American seines are allowed to be hauled, it forces me away from the place."

John Saunders, another British fisherman of Tickle Beach, deposed that the United States fishermen hauled their seine on the beach immediately in front of his property.

The United States fishermen, therefore, on the occasion in question, not only exceeded the limits of their treaty privileges by fishing from the shore, but they "interfered with the rights of private property and with British fishermen in the peaceable use of that part of the coast in their occupancy for the same purpose," contrary to the express provisions of Articles XVIII and XXXII of the Treaty of Washington.

Further, they used seines for the purpose of in-barring herrings, and this leads me to the consideration of the second question, namely, whether United States fishermen have the right to take herrings with a seine at the season of the year in question, or to use a seine at any season of the year for the purpose of barring herrings on the coast of Newfoundland.

The in-barring of herrings is a practice most injurious, and, if continued, calculated in time to destroy the fishery, consequently it has been prohibited by statute since 1862.

In my note to Mr. Welsh, of the 7th of November, 1878, I stated "that British sovereignty, as regards these waters, is limited in its scope by the engagements of the Treaty of Washington, which *cannot* be modified or affected by any municipal legislation," and Her Majesty's Government fully admit that United States fishermen have the right of participation on the Newfoundland *inshore fisheries*, *in common* with British subjects, as specified in Article XVIII of that treaty. But it cannot be claimed, consistently with this right of participation in common with the British fishermen, that the United States fishermen have any *other*, and still less that they have *greater* rights than the British fishermen had at the *date* of the treaty.

If, then, at the *date* of the signature of the Treaty of Washington, certain restraints were, by the municipal law, imposed upon the *British fishermen*, the United States fishermen were, by the *express terms* of the treaty, equally subjected to those restraints, and the obligation to observe in common with the British the then existing local laws and regulations, which is implied by the words "*in common*," attached to the United States citizens as *soon* as they claimed the benefit of the treaty. That such was the view entertained by the Government of the United States during the existence of the reciprocity treaty, under which United States fishermen enjoyed precisely the same rights of fishing as they do now under the Treaty of Washington, is proved conclusively by the circular issued on the 28th of March, 1856, to the collector of customs at Boston, which so thoroughly expressed the views of Her Majesty's Government on this point that I quote it here *in extenso*.

Mr. Marcy to Mr. Peaslee.

[Circular.]

"DEPARTMENT OF STATE,
"*Washington, March* 28, 1856.

"SIR: It is understood that there are certain acts of the British North American colonial legislatures, and also, perhaps, executive regulations intended to prevent the wanton destruction of the fish which frequent the coasts of the colonies, and injuries to the fishing thereon. It is deemed reasonable and desirable that both the United States and British fishermen should pay a like respect to such laws and regulations which are designed to preserve and increase the productiveness of the fisheries on those coasts. Such being the object of these laws and regulations, the observance of them is enforced upon the citizens of the United States in the like manner as they are observed by British subjects. By granting the mutual use of the inshore fisheries, neither party has yielded its right to civic jurisdiction over a marine league along its coasts.

"Its laws are as obligatory upon the citizens or subjects of the other as upon its own. The laws of the British Provinces, not in conflict with the provisions of the Reciprocity Treaty, would be as binding upon the citizens of the United States within that jurisdiction as upon British subjects. Should they be so framed or executed as to

make any discrimination in favor of British fishermen, or to impair the rights secured to American fishermen by that treaty, those injuriously affected by them will appeal to this government for redress.

"In presenting complaints of this kind, should there be cause for doing so, they are requested to furnish the Department of State with a copy of the law or regulation which is alleged injuriously to affect their rights or to make an unfair discrimination between the fishermen of the respective countries, or with a statement of any supposed grievance in the execution of such law or regulation, in order that the matter may be arranged by the two governments.

"You will make this direction known to the masters of such fishing vessels as belong to your port, in such manner as you may deem most advisable.

(Signed) "W. L. MARCY.

"COLLECTOR OF THE CUSTOMS, *Boston.*"

I have the honor to inclose a copy of an act passed by the colonial legislature of Newfoundland, on the 27th March, 1862, for the protection of the herring and salmon fisheries on the coast, and a copy of cap. 102 of the consolidated statutes of Newfoundland, passed in 1872. The first section of the act of 1862 prohibiting the taking of herrings with a seine between the 20th day of October and the 12th day of April, and further prohibited the use of seines at any time for the purpose of barring herrings. These regulations, which were in force at the date of the Treaty of Washington, were not abolished, but confirmed by the subsequent statutes, and are binding under the treaty upon the citizens of the United States in common with British subjects.

The United States fishermen, therefore, in landing for the purpose of fishing at Tickle Beach, in using a seine at a prohibited time, and in barring herrings with seines from the shore exceeded their treaty privileges, and were engaged in unlawful acts.

Her Majesty's Government have no wish to insist on any illiberal construction of the language of the treaty, and would not consider it necessary to make any formal complaint on the subject of a casual infringement of the letter of its stipulations which did not involve any substantial detriment to British interests, and to the fishery in general.

An excess on the part of the United States fishermen of the precise limits of the rights secured to them might proceed as much from ignorance as from wilfulness; but the present claim for compensation is based on losses resulting from a collision which was the direct consequence of such excess, and Her Majesty's Government feel bound to point to the fact that the United States fishermen were the first and real cause of the mischief by overstepping the limits of the privileges secured to them, in a manner gravely prejudicial to the rights of other fishermen.

For the reasons above stated, Her Majesty's Government are of opinion that, under the circumstances of the case as at present within their knowledge, the claim advanced by the United States fishermen for compensation on account of the losses stated to have been sustained by them on the occasion in question is one which should not be entertained.

Mr. Evarts will not require to be assured that Her Majesty's Government, while unable to admit the contention of the United States Government on the present occasion, are fully sensible of the evils arising from any difference of opinion between the two governments in regard to the fishery rights of their respective subjects. They have always admitted the incompetence of the colonial or the imperial legislature to limit by subsequent legislation the advantages secured by treaty to the subjects of another power. If it should be the opinion of the Government of the United States that any act of the colonial legislature subsequent in date to the Treaty of Washington has trenched upon the rights enjoyed by the citizens of the United States in virtue of that instrument, Her Majesty's Government will consider any communication addressed to them in that view, with a cordial and anxious desire to remove all just grounds of complaint.

I have, &c.,

SALISBURY.

Appendix A.—Collected affidavits of American fishermen submitted to the British Government.

Appendix B.—Statutes of Newfoundland applicable to the fisheries.

APPENDIX A.

(1.)

Deposition of Alfred Noel.

NEWFOUNDLAND, CENTRAL DISTRICT, ST. JOHN'S, *to wit:*

THE examination of Alfred Noel, of St. John's aforesaid, master mariner, taken upon oath, and who saith:

I am master of the schooner Nautilus of this port, and on the 19th day of December last I was at Long Harbour, in Fortune Bay, in the Nautilus, which was anchored off Woody Island. I had a crew of seven men, and I was there engaged in the herring fishery. There were several American schooners; seven of them were lying off Woody Island, and two French vessels. This island forms the harbour within half-a-mile of the narrows of Long Harbour; and other American schooners and Newfoundland fishing craft were inside Woody Island, which is the inside part of Long Harbour. All the craft there, English and American, were hauling herrings in seines and nets, and the Americans were purchasing herring from the English. Everything went off quietly, and the greatest harmony prevailed until Sunday, the 6th day of January, when about half-past 2 o'clock in the afternoon five seines, belonging to the American schooners, were put into the water by their crews at the beach on the north-east side of Long Harbour. I know two of the captains by name, Dago and Jacobs, belonging to Gloster, United States but do not know the names of their schooners. The whole five seines were barred full of herrings, when the English crews of the crafts belonging to Fortune Bay ordered them to take their seines up or they would take them up for them; and the Fortune Bay men, finding they would not do as they were requested, then hauled up two of the American seines, but without any damage or injury, and two were at the same time taken up by the Americans; and at the same time a seine belonging to Captain Dago was taken up by the Fortune Bay men, the herrings thrown out, and the seine was torn up and destroyed. Before this occurrence on the said Sunday, one of the American schooners had a seine barred with herrings on the beach at Long Harbour for seven days, and it was not at any time meddled with by the Fortune Bay men or any one. Some of the Fortune Bay men had nets out in the water on that Sunday, and the same had been there during the week, but none of the Newfoundland fishermen attempted to haul herrings on Sunday at any time while I was at Long Harbour. The Americans' practice had been until lately to purchase herring from the Newfoundland fishermen in Fortune Bay, but this year and last year the Americans have brought their own seines to haul herring for themselves. The American seines are 30 fathoms deep and 200 fathoms long, whilst those used by our fishermen are 12 to 13 fathoms deep and 120 fathoms long. These American seines are used for barring herring in deep water, such as the Fortune Bay Harbors, viz., Long Harbour, Bay del Nord, and Rencontre. Our fishermen never bar herrings, and herrings have never been barred in Fortune Bay, to my knowledge, until the Americans brought the large seines I have alluded to into Fortune Bay and used them there to the disadvantage of our fishermen. This mode of barring herrings in such harbours as I have mentioned is most destructive and ruinous to the herring fishery in those localities. I do not know the names of the persons who destroyed the seines; there were about eighty vessels from different harbours of Fortune Bay at Long Harbour at the time the seine was destroyed by a great lot of people. I left Long Harbour for St. John's on the 31st day of January and arrived here on the 4th instant.

ALFRED NOEL.

Sworn before me at St. John's aforesaid, this 8th day February, A. D. 1878.

(Signed) D. H. PROWSE,
J. P. for Newfoundland.

(2.)

Deposition of John Rumsey.

CENTRAL DISTRICT, ST. JOHN'S, *to wit:*

The examination of John Rumsey, of St. John's, master mariner, taken upon oath, who saith:

On or about the 14th November last I sailed from St. John's to Fortune Bay for a cargo of herring. I arrived in Long Harbour, Fortune Bay, about Christmas last. I found about 200 schooners there looking for herring; twelve of the schooners were Americans; my schooner was called the Briton, six hands all told. I got most of my herring between Christmas and the 8th January. Most all the schooners in Long

Harbour lay inside of Woody Island. Woody Island is about three miles from the entrance of Long Harbour. On the northern side, rather above the island, there is a fine beach about a mile long. This is the best hauling place in Long Harbour, and most all the herrings were taken there. It is only this year and last year that the American schooners have brought down very large seines for catching herring. I have been informed that some of these seines were 250 fathoms long and 35 fathoms deep. The seines which our Newfoundland fishermen use are about 120 fathoms long and from 8 to 13 fathoms deep. In the first week in January there were four or five American schooners who had the beach above mentioned barred for herring. The mode of inbarring for herring is as follows: when a place is selected, generally a smooth beach with deep water outside free from rocks, a party is sent ashore with a long line from one end of the seine; the seine-boat then goes off with the seine, makes a long sweep, and the other end of the seine is then brought into the beach also; then the crew begin to haul together on both ends of the seine with long seine lines running fore and aft up and down the beach, four or five seines thus barring herring would cover all the hauling ground on this long beach I have spoken of, and would occupy all the best ground for hauling herring in Long Harbour. On the first Sunday in January the beach was barred by four or five large American seines. On that day, after dinner, a large number of people belonging to the crews of the Fortune Bay schooners then in Long Harbour went over to the beach, and I was informed there were 600 or 700 Newfoundland fishermen there. The Americans had barred the herring, and were hauling on their seines on the Sunday morning. The Newfoundland fishermen told the American captains to take up their seines or they would take them up for them. All the American seines were then taken up which were set on a Sunday except one; this one the American captain who owned it refused to take up. The Newfoundland fishermen then hauled it ashore, took the herrings out of the seine, and according as they hauled the seine out of the water they tore it up. I saw the seine the next day, Monday, on the beach, and it was completely destroyed; it was an old second-hand seine, and very rotten. I have been for thirteen or fourteen years carrying on the herring fishery in Fortune Bay, and during that time I have never known our Newfoundland fishermen to haul herrings on Sunday. If the American fishermen were permitted to bar herrings in the way that they were doing at Long Harbour Beach, all the rest of the craft would be deprived of the best place in the harbour to haul herrings; and such a mode of fishing for herrings is most injurious to the fishery, and must in time ruin the herring fishery there. The Americans in hauling their long seines often removed the Newfoundland fishermen's nets when they came in their way. I have known the Americans last year to have herrings barred in for a fortnight. Barring kills a great many herrings, and makes those who are barred in very poor. I have seen the bottom covered with dead herring after the seine had been barred for a week. The American schooners heave out their ballast in the channel between Woody Island and the shore, and if not prevented, will soon destroy the anchorage there.

JOHN RUMSEY, his ✕ mark.

Sworn before me at St John's, this 9th day of February, A. D. 1878, having first been read over and explained.

(Signed) D. H. PROWSE,
J. P. for Newfoundland.

(3.)

Deposition of John Saunders.

The examination of John Saunders, of Tickle Beach, Long Harbour, taken upon oath, and who saith:

In January last there were a great number, close on 100, schooners and boats fishing for herring, both American and Newfoundlanders. The Americans were employing the English to haul their seines for them. There were some English schooners who had seines also. One Sunday, I do not know the date, John Hickey laid out a seine, and was told by the English or Newfoundlanders to take it up, as it was Sunday, which he did. The Americans laid out their seines, assisted by the English employed by them. The Newfoundlanders told them to take them up, as it was not legal their fishing on that day, being Sunday; J. McDonald took his up. Jacobs upset his net into Farrel's seine, who was employed by him. Farrel was barring for the Americans, and was not allowed by Jacobs to haul his seine until the hard weather came. After Jacobs had upset his seine into Farrel's he took it up to shoot again, and threatened with the revolver any one who interfered. Then they told McCauley to take his up, but he didn't, so the people hauled it in and tore it up.

I don't know any man concerned in the destruction of the net that I could swear to but one, John Pitman, a servant to Samuel Pardy, who was at "Jack Fountain."

There was no other reason that I know for destroying nets but for fishing on Sun-

day, and because they would not take them up when they were told. The Americans never hauled a seine before that day; they always employed the English to use their seines, and bought fish from the English. The only reason that the Americans laid their seines out that day was because there were plenty of herrings, and no Englishman would haul them, being Sunday, excepting Hickey, who had been compelled to take his seine up.

Q. Where does Philip Farrel live?—A. In Bay-de-North, and so does Thomas Farrel.

Q. Was any obstruction or hindrance placed in the way of the Americans before or after that Sunday?—A. No.

Q. Did they remain in the harbour until the close of the season; until the herrings slacked away were any Americans compelled to leave the coast after this circumstance?—A. No; there was nothing to prevent their remaining, and they remained for some days, until the weather became soft, and there were no more herrings in the bay. Most of them left, but one American schooner remained about three weeks after that, when another lot of herrings came into the bay, and he filled up and went away the next fair wind. Jim Boy was the captain's name.

Q. Do you know any American of the name of Dago?—A. Yes; he has part in this seine. The Americans hauled their seine on the beach immediately in front of my property.

Q. Do you know the names of the schooners?—A. No.

Q. Do you know the names of the owners of the seine?—A. Yes; Captain Dago and McCauley.

Q. Do you know anything the Americans did by way of revenge?—A. The Americans, in revenge for the destruction of the net, afterwards drifted their vessels all about the bay or river with their anchors hanging, and so hooked and destroyed many nets, about fifty or sixty, I should think. The name of one of these captains was Smith—but I don't know the name of his vessel—and the other was Pool. We all believe that this was done in revenge. They were pretending to be at anchor, where there was about 50 fathoms of water, but were drifting all over the bay and hooking the nets; there was no weather to cause them to drift. Our small boats were anchored off the beach. We had never any difficulty with the Americans before this, but were always on good terms with them.

(Signed) JOHN SAUNDERS, his ⋋ mark.

Sworn before me at Tickle Beach, Long Harbour, this 13th day of June, A. D. 1878.

(Signed) GEO. L. SULIVAN,
Captain and Senior Officer on the Coast of Newfoundland.

(4.)

Deposition of Mark Bolt.

The examination of Mark Bolt, of Tickle Beach, Long Harbour, taken upon oath, and who saith:

I am a native of Dorsetshire, England. I have been in this country twenty-one years, and have been fishing all that time. I have lived in this neighborhood fourteen or fifteen years, and at Tickle Beach since last fall. The ground I occupy (150 feet) was granted me for life by government, and for which I have to pay a fee. There are two families on the beach; there were three in the winter. Our living is dependent on our fishing off this settlement. If these large American seines are allowed to be hauled it forces me away from the place.

One Sunday in January last John Hickey, Newfoundlander, came first and hove his seine out. Five Newfoundlanders came and told him to take it up, and he did not; then others came and insisted upon it, then he took it up. If he had then refused to take it up it would have been torn up.

Then Jacobs, an American, came and laid his seine out and hauled about 100 barrels of herring in the big American seine, and capsized into Tom Farrel's seine—a Newfoundland fisherman employed by Jacobs and fishing for him.

Philip Farrel was also fishing for the Americans, being master of McCauley's seine. The Newfoundlanders then capsized Tom Farrel's seine of fish, who was only fishing for the Americans. After this Jim Macdonald, another American, threw out his seine. Then the people went and told Macdonald that he was not allowed to fish on Sundays, and he must take his seine up; and he took up his seine, and carried it on board his vessel. Jacobs would not allow his seine to be touched, but drew a revolver. They went to McCauley, an American, who had laid his seine out for barring herring; this American also employed a Newfoundlander to lay his seine out. The Newfoundlanders said it should not be done on a Sabbath day, and they resolved to tear up all the seines they could get hold of. They managed to seize McCauley's and tore it up. They would have torn up any they could have got at if laid out, whether English or American, because it was Sunday. The Americans do not bar fish. This was the first time

I ever knew them to do so; they usually buy the fish from the Newfoundlanders, and also barter flour and pork for them, and I have never known anything to complain of against them previous to this.

Q. Did the American schooners continue to fish after the destruction of McCauley's seine?—A. Yes.

They (the Americans) continued to fish, and left about the usual time, the 10th March. I do not know any reason for the conduct towards the Americans except that they were fishing on Sunday. I do not know what became of the nets that were torn up; it was left on the beach for some days, and then taken away. I do not know who took it away; the Americans, perhaps, but I don't know.

The Americans were often set afterwards, but not on Sunday; the Americans did not leave off catching herring after this on other days. The English did not prevent the Americans hauling their seines, but the Americans usually employed the English to haul them, as their crews were not sufficient in number, and are not acquainted with the work. The American crews are employed salting and freezing the fish, while the English employed by them with the American seines are catching them. The seine torn up was being worked by an Englishman for McCauley, the American, namely, Philip Farrel.

Jacobs' seine was in the water a night and a day. I was not aware that it was illegal to haul or catch herring by or in a seine at that time of the year, nor that barring is prohibited at all seasons, nor that the seine must be shot and forthwith hauled, but have heard some reports to that effect.

The nearest magistrate is at St. Jacques, about 25 or 30 miles from this, and there is no means of communicating with him excepting by a sailing boat.

The seine that was destroyed belonged to men called Dago and McCauley, who, I believe, were each of them captains of schooners, but the names of the vessels I do not know.

(Signed) MARK BOLT.

Sworn before me at Tickle Beach, Long Harbour, this 13th day of June, A. D 1878.

(Signed) GEO. L. SULIVAN,
Captain and Senior officer on the Coast of Newfoundland.

(5.)

Deposition of Richard Hendriken.

The examination of Richard Hendriken, of Hope Cove, Long Harbour, taken upon oath, and who saith:

I have been nine years in Long Harbour. I was here in January last, when the American seine was destroyed. It was destroyed on account of barring herring on Sunday. I was watching their proceedings from the point opposite; they laid their seine out and went to haul it in because the English would not haul it in on Sunday, and the bay was full of fish. The fish would have remained. The Americans generally employ some Englishmen to work with their own crew; they don't generally lay out their own seines. Captain Dago and Samuel Jacobs would persist in hauling, and hauled once and barred them in Farrel's net. Farrel was working for him, and had been barring herrings for several days—perhaps about a fortnight—by the Americans' orders. I believe it is illegal to bar herrings; it destroys the fish, but we have no power to stop it It is no good telling a magistrate; the Americans take no notice of them. The nearest magistrate to this place is at Harbour Briton, 25 or 30 miles off. The only thing to let people know what is right and what is wrong is to have a notice-board in each harbour, and some heavy fine imposed on law-breakers.

James Tamel is harbour-master.

I don't know if he is a special constable or not; but Mr. Enburn told me he was to see the Yankees did not heave their ballast over, and that their measures were correct, but they would not listen to him. They hove their ballast overboard, and had tubs 22 inches in depth instead of 16 inches; in these tubs they measured the fish they bought from the Newfoundlanders, and they would not alter them. The fish are sold to the Americans by the barrel. For 100 barrels it is usual to pay for 90, which is considered fair, but a flour barrel cut down to 16 inches in depth is the proper measure; they only cut them to 22 inches or more, and insist on having them filled. The vessels from St. John's and Halifax always take the proper size tubs, but the Americans constantly overreach us, and choose the most ignorant to deal with, or those who are not so sharp as themselves. They generally otherwise behave well, and we have never had any quarrel with them before, but have always been on good terms. If the natives did not see the laws carried out themselves there might as well be no laws, for

there is often no one else to enforce if. It is the only way I know, and is pretty well understood by both foreigners and natives.

(Signed) RICHARD HENDRIKEN, his ✕ mark,

Sworn before me at Tickle Beach, Long Harbour, this 14th day of June, A. D. 1878.

(Signed) GEO. L. SULIVAN,

Captain and Senior Officer on the Coast of Newfoundland.

(6.)

Deposition of Ambrose Pope.

The examination of Ambrose Pope, of Stone Cove, Long Harbour, taken upon oath, and who saith:

I was at Tickle Beach on a Sunday in January last. I don't know the date. I saw the Newfoundlanders hauling a seine and leave it on the beach; it was torn in hauling it on shore. It was evening when I saw the seine hauled on the beach, and it was laying there when I left the beach.

I don't know if any was carried away. I don't know anything more about it. The Americans we thought had no right to haul their seines on Sunday.

(Signed) AMBROSE POPE, his ✕ mark.

Sworn before me at Anderson Cove, this 15th day of June, A. D. 1878.

(Signed) GEO. L. SULIVAN,

Captain and Senior Officer on the Coast of Newfoundland.

(7.)

Deposition of James Tharnell.

The examination of James Tharnell, of Anderson's Cove, Long Harbour, taken upon oath, and who saith:

I am a special constable for this neighborhood; I did not see anything of the alleged outrage last January, but I heard something about it; I believe some of the men named Pope were on the beach, but which I do not know.

Q. Have you formed any opinion as constable as to the cause of the dispute?—A. Mr. Snellgrove, of the customs, and myself, from what we were informed of the circumstances, were of opinion that the Americans were acting illegally in shooting their seines, but notwithstanding that, nothing would have been said to them for that had it not been on the Sabbath day. The men forbid them hauling seines on the Sabbath day, and told them to take them up or they would take them up for them, and what annoyed them so much was that the Americans drew their revolvers; probably, if it had not been for the threat of the revolvers the seines would only have been taken up, and not torn. They asked him three times to take them up before they did so themselves.

The people were not aware that it was illegal to set the seines that time of the year, and were only prompted to their act by the fact that it was Sunday. We all consider it to be the greatest loss to us for the Americans to bring those large seines to catch herring. The seines will hold 2,000 or 3,000 barrels of herring, and, if the soft weather continues, they are obliged to keep them in the seines for sometimes two or three weeks, until the frost comes, and by this means they deprive the poor fishermen of the bay of their chance of catching any with their small nets, and then, when they have secured a sufficient quantity of their own, they refuse to buy of the natives.

If the Americans had been allowed to secure all the herrings in the bay for themselves, which they could have done that day, they would have filled all their vessels, and the neighbouring fishermen would have lost all chance on the following week-days. The people believed that they (the Americans) were acting illegally in thus robbing them of their fish. If the natives had not defended themselves by enforcing the law, there was no one else to do it. I was sworn in as a special constable by Mr. Herbert, the magistrate of Harbour Briton, last October.

On the arrival of the Americans I showed my authority, signed by Mr. Herbert, and they laughed at it, and said it had no stamp, and they didn't, therefore, recognize it.

I told them the lawful size of a tub—sixteen gallons—and they said they required a brand on it. I have no means of branding tubs; there is no means to brand on the coast, and it is not the custom. I don't know if it is the custom at St. John's to brand them. I have cautioned the Americans about throwing ballast out inside Hoodey's Island, where it is very shallow; but they have continually done so notwithstanding up to this. There are now several shallow places there and in the cove, where the Americans have been in the habit of throwing out their ballast, and small vessels now,

of twenty-eight to thirty tons, repeatedly ground on this ballast there thrown out by the Americans. I believe there was less thrown out last winter after I spoke to them about it; but I have no power, moral or otherwise, to enforce any rules, and they don't seem to care much about me.

(Signed) JAMES THARNELL, his ⋊ mark.

Sworn before me at Tickle Beach, Long Harbour, this 14th day of June, A. D. 1878.

(Signed) GEO. L. SULIVAN,
Captain and Senior Officer on the Coast of Newfoundland.

(8.)

Deposition of George Snellgrove.

The examination of George Snellgrove, of St. Jacques, Fortune Bay, taken upon oath, and who saith:

I am sub-collector of customs for the district of Fortune Bay. I went to Long Harbour on the 8th January, two days after the dispute between the Americans and Newfoundland fishermen had taken place.

Captains Jacobs and Dago informed me that an American seine had been taken up by the Newfoundland fishermen on the Sunday previous and destroyed; that the seine belonged to Dago and McCauley, and that they had other seines out, but they had taken them up when they found that the other was destroyed. One of these captains said that the fishermen had threatened to take up the seine if they didn't themselves. Captain Jacobs showed me a revolver, and said that he had threatened them with it. I remonstrated with him for doing so, when he replied that I couldn't suppose that he was really going to use it; that he only did it to frighten them; he had taken care there were no charges in it. I said to him, "Do you suppose that you would have got off that beach alive if you had used it?" and he said he never intended to use it.

Captain Warren told me that on the fishermen coming to haul in the seine that Captain Dago hailed them to say that they would take the seine in themselves if they waited, and that he (Warren) said to Dago, "It is too late now; you ought to have done it when they told you first; they are too excited now."

I then communicated with the natives of the place, who related the circumstances, and gave their reasons that the Americans were fishing illegally, and would have secured the whole of the fish, which they considered part of their property, and that they would have been distressed for the winter. They told me that they had at first told them to take up their seines, and they refused; that Captain Jacobs had threatened them with a revolver, but, notwithstanding this, they had taken up one and destroyed it.

I saw Captain Jacobs several times afterwards, and in the course of conversation with him I said: "If I had been there you would not have been allowed to shoot your seine." "What!" he said, "could you prevent me?" I said "Yes; I should have seen the law carried out and taken your seine and boat, which you forfeited for breaking the law," and I told him I would take the fine as well of $200, at which he said: "Do you think I care about paying the fine? I could pay the fine," by which I understood him to mean that the fine was not worth considering, as the quantity of fish would have more than paid for it.

Q. Was there any one in Long Harbour on the Sunday referred to who could have enforced the law and protected the interests of the fishermen?—A. No.

Q. Is it not illegal shooting seines at all at that time of the year?—A. There is an act to that effect, but it has never been carried out in Fortune Bay, nor are the natives aware of its illegality at that time of the year, nor would they have molested the Americans had it not been Sunday, and which they knew it to be not only the law, but the infallible custom to desist from fishing on that day.

Q. Has there ever been to your knowledge before quarrelsome disputes or ill-feeling between the Americans and native fishermen?—A. No, never; always on the best terms.

Q. How long did you remain in Long Harbour?—A. I remained till the 12th January.

Q. Did you observe during your stay in Long Harbour whether the three American captains remained and continued to fish or not?—A. I did, and I know that they continued to fish; they were not molested as far as I know.

Q. Was there anything to cause them to leave the harbour, or to cease fishing?—A. No, and they had not left it when I left. There were no further disputes to my knowledge afterwards.

GEO. THOS. SNELLGROVE,
Sub-Collector of Her Majesty's Customs.

Sworn before me at St. Jacques, Fortune Bay, the 17th day of June, A. D. 1878.

GEO. L. SULIVAN,
Captain and Senior Officer on the Coast of Newfoundland.

(9.)

Deposition of Silas Fudge.

The examination of Silas Fudge, of Bellaram, Fortune Bay, taken upon oath, and who saith:

I am mate of my father's schooner. I witnessed the disturbance at Long Harbour on Sunday, the 6th January last. I am certain that it was on the 6th January it happened.

I saw the seines in the water—two of them American and one English. We told them to take them up.

John Hickey, the Englishman, took his up. McCauley, the American, who owned the other, refused to take his up. There was another seine, which I did not see, in the water, belonging to Captain Jacobs. He had his in the boat at the time. He had shot once and discharged his seine into Thomas Farrel's, who was working for him, and was going to shoot his seine out again. I saw it in the boat ready for shooting when the crowd came over. They first spoke to McDonald, and asked him if he would take his seine up, and he said, "Yes, if I am forced;" and they then went to Hickey and told him to take his up, and he took it up; then they went to McCauley and asked him to take his up, and he said he would not. They then told him that if he didn't they would take it up for him. They then went to Jacobs, and told him they would let go the herring out of the seine of Tom Farrel, who was an Englishman. Jacobs then drew a revolver, and threatened to shoot any man who touched his property. The crowd were very excited. I saw them haul McCauley's seine in and tear it up. That was the end of the row that day. Farrel had, during the previous week, secured herring in the American seine, and then had placed his own round them, and taken up the American's. This was done before Sunday. It was in this seine of Farrel's that Jacobs emptied his own seine.

Q. You knew that the American fish were in the Englishman's seine; why was Farrel's seine allowed to remain?—A. Because he had not shot it on the Sunday, but on the week-day.

Q. Are you aware that it was illegal to use seines to catch herrings that time of the year?—A. No; I don't know.

Q. Did you believe it to be lawful to use seines for herring that time of the year?—A. Yes, I thought so, as far as I could understand. I suppose the Americans thought, with reference to the destruction of the seine, that we did it in envy of them, but it wasn't; but it was from regard to the Sabbath, on which day we never fish.

Q. How far from the beach were the American seines shot?—A. Close to the beach; the hauling lines were on the beach.

The Americans remained in the bay after the occurrence for several days; they were never molested or interfered with afterwards; they continued to fish until they left the harbour; they were not compelled to leave the harbour, but I believe they were unsuccessful on account of the bad weather and for want of frost.

SILAS FUDGE.

Sworn before me at St. Jacques, Fortune Bay, the 17th day of June, A. D. 1878.
(Signed) GEO. L. SULIVAN,
Captain and Senior Officer on the Coast of Newfoundland.

(10.)

Deposition of John Cluett.

The examination of John Cluett, of Belloram, Fortune Bay, taken upon oath, and who saith:

I was in Long Harbour one Sunday in January last.

Q. Did you see anything of the quarrel between the Americans and other fishermen?—A. I did.

Q. Tell me what you know of it.—A. They commenced hauling herrings on Sunday, about midday. The first American seine shot was Captain Jacobs'. There were two more American seines shot. There was an Englishman working for the Americans who had a seine moored there for several days, but it was not shot or attempted to be hauled on the Sunday.

The first seine we came to was Captain McDonald's. They asked him if he was going to take his seine up. He said, "If we are forced to take it up we will;" and we told him if he didn't take it up we would take it up for him.

The next we came to was a man belonging to Fortune Bay, called John Hickey, an Englishman, and we told him to take up the seine, and he said he would take it up, and he did. The next we came to was Peter McCauley, and we told him the same as

the others, and he refused to take it up. Then we went on to Captain Jacobs, and when we got to him he was in his skiff, a little off the shore. He had just hauled herring and shot them into Farrel's seine, who was working for him. They remonstrated about breaking the law and fishing on Sunday. There was an altercation between us. He said he would defend his seine if they touched it in a threatening way. I don't know what he said. There was a great crowd, and he was in an awful rage, and I heard that he drew a revolver, but I didn't see it. He then took his seine on board. Then all the seines were taken up but Farrel's and McCauley's. Farrel's seine was not touched because it was not laid on that day, and they therefore let it alone, although Jacobs' fish were in it; but McCauley's seine was taken up and destroyed, and that is all I know.

Q. Did the American captain remain in the harbour after?—A. Yes; I think about a fortnight, but perhaps more. They continued to fish and haul herring on week-days but not on Sunday again.

Q. Were they ever molested or interfered with in any way subsequently or not?—A. Not to my knowledge; they remained there as long as they chose, and there was never any more dispute. I don't know that it is illegal to haul seines that time of the year. I have heard of the law, but I have never seen it carried out; it had nothing to do with this dispute. The only cause of it was on account of its being Sabbath. I never saw herrings hauled on a Sunday before, either by American or Englishman.

The Americans, by hauling herring that day when the Englishmen could not, were robbing them of their lawful and just chance of securing their share in them, and, further, had they secured all they had barred they could have, I believe, filled every vessel of theirs in the bay. They would have probably frightened the rest away, and it would have been useless for the English to stay, for the little left for them to take they could not have sold.

The Americans would have a better chance than the English any day on account of the size of their nets, but the English would have had their fair chance the next day, and they thought they were justified, in the absence of any proper authority or power to enforce the law, to defend their rights themselves. There is no power or authority to enforce the law on all parts of the coast, and none nearer to Long Harbour than about 30 or 40 miles.

If there was not a good feeling and mutual understanding between all fishermen, whether foreigners or Englishmen, there would be no law carried out or upheld at all, but there was always prior to this a very good feeling and a mutual understanding between the Americans and ourselves, and I don't know anything to prevent the same in future. After the destruction of McCauley's seine some of the American schooners, one of which was Peter Smith's, drifted about the harbour among the fishermen's nets when blowing hard, with their anchors hanging to their bows, and destroyed several nets. I don't know if this was done out of revenge or not. I don't think it was done purposely.

(Signed) JOHN CLUETT.

Sworn before me at St. Jacques, Fortune Bay, this 17th day of June, A. D. 1878.

(Signed) GEO. L. SULIVAN,
Captain and Senior Officer on the Coast of Newfoundland.

(11.)

Deposition of Charles Dagle.

GLOUCESTER, *February* 19, 1878.

I, Charles Dagle, master of the American schooner Lizzie and Namari, of Rockport, do on oath depose and say:

That I sailed from Gloucester on the 6th December, 1877, for Fortune Bay, Newfoundland, for a load of herring. The last year (1877) I had sold a seine and boat to parties in Newfoundland, and they were to supply me with herring in payment for the seine and boat. I arrived at Fortune Bay about the 19th December. I was at Long Harbour, Newfoundland, with my vessel on the 6th January. Saw the seines of the American schooners New England and Ontario destroyed by the fishermen of Newfoundland. There is a decided objection to using netted or gill-net herring for freezing purposes, as these herring die in a short time after being taken in gill-nets. When they are seined they can be kept alive on the radius of the seine and taken out alive when the weather is suitable for freezing, while the netted herring, being dead, must be salted or spoil; consequently the seined herring are the best for our purposes, and are what the American vessels want for our market. Knowing this fact, the Newfoundland fishermen had endeavoured to obstruct in every way the taking of herring

with seines, as they use principally gill-nets; they placed their nets, which are set permanently, so as to hinder the using of seines. On the 6th January, 1878, the herring had come inshore, so that they were inside the gill-nets, thus giving our people an opportunity to seine them without interfering with the gill-nets. On the Americans attempting to put their seines in the water the Newfoundland fishermen threatened to destroy them, and when our fishermen had taken their seines full of herring, the Newfoundlanders came down to the number of 200, seized and destroyed the seines, letting out the fish, and afterwards stole and carried off the remnants of the seines. On account of this violence and the obstructions placed in the way of my men operating the seine, I was unable to procure a cargo, and have returned without a herring. If I had been allowed the privilege guaranteed by the Washington Treaty, I could have loaded my vessel and all the American vessels could have loaded. The Newfoundland people are determined that the American fishermen shall not take herring on their shores. The American seines being very large and superior in every respect to the nets of the Newfoundlanders, they cannot compete with them. These seines are the mackerel seines which are used in summer for mackerel and are setting for herring. When they are plentiful we can take from 2,000 to 5,000 barrels. The seines and boats we use cost 1,200 dollars when new, and are too expensive for the generality of Newfoundland fishermen, and they would have no use for seines only during the herring season, while we can use them both summer and winter, and thus make them pay for their great cost.

My loss by these acts of violence, and being deprived of my rights under the Washington Treaty, is fully 5,000 dollars, which I claim as indemnity. The netted herring are strangled while caught by the head in the net, and the eyes turn red from suffocation. They will not keep so long as seined herring, which are free to swim inside the seine, and are dipped out alive. The netted herring will not sell in the New York market, while the seined herring preserve their bright appearance and sell readily.

(Signed) CHARLES DAGLE,
Master of Schooner Lizzie and Namari.

ESSEX, *ss:*

GLOUCESTER, *February* 19, 1878.

Personally appeared Charles Dagle, master of schooner Lizzie and Namari, who subscribed and made oath to the foregoing statement.

Before me.

(Signed) ADDISON CENTER,
Justice of the Peace.

(12.)

Deposition of William H. McDonald.

GLOUCESTER, *February* 19, 1878.

I, William H. McDonald, master of the American schooner William E. McDonald, of Gloucester, do on oath depose and say:

That I have just returned from Newfoundland, where I have been for a load of herring. I was at Long Harbour, Newfoundland, when the seines of the schooners New England and Ontario were destroyed. I had gone on shore and was on the beach at the time. The Newfoundlanders were much excited because of our use of the large seines, which for the first time were used last winter there. The Newfoundland fishermen had sunk large rocks off the beach in order to catch the seines and tear them, and had put their gill-nets where they would obstruct the use of the seines. These means failing, as the herring were close inshore, they took to personal violence, and destroyed one seine completely, and made the others take them up and release the fish. I had a seine, but was not allowed to use it. The nets they placed in the way and kept there only for the purpose of obstructing our operations with seines, as they took no herring there, but let the nets remain till they rotted. I can fully endorse the statement of Captain Dagle in all particulars. My vessel is a first-class vessel, and with the time and expense, and with the loss of herring, I have sustained a loss of fully 5,000 dollars to myself and owners, and I claim that, under the Treaty of Washington, I have a right to the herring fisheries and claim indemnity for this severe loss.

(Signed) WILLIAM H. McDONALD.

ESSEX, *ss:*

Personally appeared William H. McDonald and subscribed and made oath to the above statement.

Before me.

(Signed) AARON PARSONS,
Justice of the Peace.

(13.)

Deposition of James McDonald.

GLOUCESTER, *February* 19, 1878.

I, James McDonald, master of the American schooner F. A. Smith, of Gloucester, do on oath depose and say:

That the said schooner was chartered by George W. Plumer and others, of Gloucester, for a voyage to Newfoundland for herring. I sailed from Gloucester on the 29th November, 1877, and arrived at Long Harbour, Newfoundland, on or about the 15th December, 1877. I carried a large purse seine, such as is used to take mackerel. The seine will take 4,000 barrels of fish. I employed Newfoundland fishermen to operate the seine. I set my seine twice, but without catching anything, as my seine was torn by rocks that had been left off the beach. On the 6th January the herring made their appearance in great numbers, and the opportunity to take a large haul was improved by my men, and we took at least 1,000 barrels, enough to load my vessel and one other, The Newfoundland fishermen came off in their boats and told me to take my seine up. or they would take it up for me, and that they would cut it up. There were about 200 men engaged in this violence, and my own crew consisting of six men I could not resist, but was obliged to take up my seine. I saw the seines of the schooners New England and Ontario destroyed, and knew that mine also would be destroyed if I did not take it up. My seine was not attached to the shore when they came off, and the attack on me was made in boats. After destroying the other seines they all made for me, and my only safety was to gather up my seine. I lost all my fish, and the Newfoundland fishermen put all the obstructions they could in the way to prevent the use of our seines after that. From my knowledge of the facts I do say that the Newfoundland fishermen are determined to prevent American fishermen from using the shore fisheries. I consider that the loss to the vessel and the charter party at not less than 5,000 dollars, and under the Treaty of Washington I have been deprived of my rights as an American citizen, and full indemnity should be allowed for the outrage. I have read the statement of Captain Dagle, and know it to be true in all its particulars. The effect of this treatment will be to destroy the American fishing for herring at Newfoundland. There are annually about 100 voyages by American vessels made for herring to Newfoundland. The Newfoundland fishermen were taking herring on the same day the outrages before stated occurred.

(Signed) JAMES McDONALD.

ESSEX, *ss:*

GLOUCESTER, *February* 20, 1878.

Personally appeared the above-named James McDonald, master of the schooner F. A. Smith, who subscribed and made oath that the foregoing statement is true.

Before me.

(Signed) ADDISON CENTER,
Justice of the Peace.

(14.)

Deposition of Charles H. Nute.

GLOUCESTER, *February* 19, 1878.

I, Charles H. Nute, master of the American schooner Edward E. Webster, of Gloucester, do on oath depose and say:

That I have just returned from Newfoundland, where I have been for a load of herring. I went for the purpose of co-operating with other American vessels in the use of their seines in taking herring. I was at Long Harbour and saw the destruction of the seines of the American schooners New England and Ontario. I have seen the statement of Captain Dagle, of the American schooner Lizzie and Namari, and substantiate all he has stated. I have returned without a herring for the same reasons. My actual loss in time of vessel and crew, with herring I should have bought had I not been prevented by the inhabitants of Newfoundland, is fully 5,000 dollars; and, owing to being deprived of my rights under the Washington treaty, I hereby claim that amount as indemnity for the wrong done me and the owners of the vessel.

(Signed) CHARLES H. NUTE,
Master Schooner Edward B. Webster.

ESSEX, *ss:*

GLOUCESTER, *February* 20, 1878.

Personally appeared Charles H. Nute, master of schooner Edward E. Webster, who subscribed and made oath that the foregoing statement is true.

Before me.

(Signed) ADDISON CENTER,
Justice of the Peace.

(15.)

Deposition of David Malanson.

GLOUCESTER, *February* 20, 1878.

I, David Malanson, master of the American schooner Crest of the Wave, of Gloucester, Massachusetts, do on oath depose and say:

That I sailed from Gloucester on the 8th December, 1877, on a voyage to Newfoundland for herring. I arrived at Long Harbour, Newfoundland, on the 23d December, 1877. I was interested in a seine carried by the schooners New England and Ontario. I was at Long Harbour on the 6th January, 1878, and was on the beach when the Newfoundland fishermen destroyed the seine belong to these vessels. The herring did not strike inshore until that day, and as it is very uncertain how long they will remain, it is imperative, for successful prosecution of the business, to take them when they are inshore. By means of our large purse seines we can inclose the herring and keep them alive a month, if necessary, as we need to have freezing weather when we take them out to freeze them, to keep them fresh until we get them to market. On this occasion the herring were entirely inshore of the Newfoundland gill-nets, and, as the sequel proved, if we did not take them then and there we should lose the season catch. The seines were set in no way interfering or injuring the gill-net fishing, and inclosed and held certainly 2,000 barrels of herring, enongh to load four vessels. Over 200 men came down to the beach, seized the seine, let out the fish, pulled the seine on shore, tearing and cutting it to pieces with knives. The crews operating the seines were powerless against so many; and after they had destroyed this seine they went for the other American seines, shouting and gesticulating, saying: "Tear up the damned American seines." All of the vessels would have been loaded with herring if the Americans could have used their seines.

My loss by this outrage is not less than 5,000 dollars, which has been taken from me despite the provisions of the Washington treaty, and which I claim as indemnity.

The Newfoundland fishermen have for years been in the habit of selling all the herring to American vessels. I have been there eight years, and I have always bought my herring, or engaged the Newfoundlanders to take them for me, paying them in cash. This has been the universal practice of American vessels. This year we carried the large mackerel seines, which we use in summer for taking mackerel. These seines will take from 2,000 to 5,000 barrels at a haul, and the herring are better taken in this way. As most of the Newfoundlanders fish with gill-nets, our manner of seining would take away from them the monopoly of the herring trade, and hence the feeling which produced the outrage on our vessels. It is apparent that they will obstruct any American fishery on their shores, and are not men who would know much about rights or privileges under a treaty. I should say that there are at least 100 cargoes of herring taken from Newfoundland yearly by American vessels, and as things are now it would be useless for American vessels to go there for herring unless they bought the herring from the inhabitants at whatever price they may see fit to ask. This American trade has been a great benefit to Newfoundland, and the change in the manner of taking herring will greatly reduce the amount of money paid them for herring. Only three vessels of eighteen that were there got any herring whatever. Captain Jacobs, of the Moses Adams, held his seine with revolvers, and, being a native of Newfoundland, was allowed to take in the herring he had taken. The feeling was very intense and bitter against the Americans. The Newfoundland fishermen were catching and taking herring with their nets and boats on the same day.

(Signed) DAVID MALANSON,
Master Schooner Crest of the Wave.

ESSEX, *ss:*

Personally appeared before me David Malanson, and subscribed and made oath to the above statement.

(Signed) AARON PARSONS,
Justice of the Peace.

(16.)

Deposition of Edward Stapleton.

GLOUCESTER, *February* 21, 1878.

I, Edward Stapleton, master of the American schooner Hereward, of Gloucester, do, on oath, depose and say:

That I have just arrived from Newfoundland, where I have been for a load of herring. I was at Long Harbour, Newfoundland, when the Newfoundland fishermen destroyed the seines of the American schooners New England and Ontario, and saw the whole transaction. I carried a seine with me, and employed Newfoundland fishermen

to operate it for me. The first time they set it for me they put it out in a strong tide-way, and utterly destroyed it, and after that I had to depend on the other American seines. This was the understanding among the American captains, that we were to work together and load all our vessels. The setting of the seines on the 6th January did not interfere in any way with their nets or fishing. I think there is a local regulation that does not allow the Newfoundland fishermen to fish on Sundays; but the first seine (a small one) set on that day was one owned and operated by the natives, and they were picking their nets and boating their herring ashore all day. On the arrival of the American fleet the Newfoundlanders put their nets where they would obstruct our seining, but on this day the herring were away inside of their nets, giving us the first chance and only opportunity we had to seine or get herring. Enough were taken, and could have been taken, that day to have loaded the fleet. After that day there was no opportunity to take any. Newfoundland nets were placed where they never took a fish, and placed only for the purpose of preventing our seining. My loss to vessel and owners is not less than 5,000 dollars, and I claim indemnity to that amount. This loss is owing entirely to the hostile acts of the Newfoundland fishermen.

E. STAPLETON.

(17.)

Deposition of Charles Dagle.

GLOUCESTER, *December* 10, 1878.

I, Charles Dagle, master of the American schooner Lizzie and Namari, of Rockport, district of Gloucester, do, on oath, depose and say that I know Mr. Bolt, who resided in a hut or shanty near Tickle Beach, Newfoundland; that I was there on the 6th January, 1878, and saw the hostile acts of the British fishermen. Mr. Bolt's hut is about 150 yards back from the beach. I have been to Newfoundland fourteen successive years, and never heard of any persons claiming any rights on the beach, everybody using it in common. The three huts there are in the nature of squatter property, used only in the winter. Mr. Bolt never made any claim that I knew of; and the American seines were not used within 300 yards of Bolt's place, except where the seines were hauled on the beach by British fishermen and destroyed. The seines that were obliged to be taken up were 500 yards or more from Bolt's place. The seine of the F. A. Smith, Captain McDonald, was one-fourth of a mile away. Mr. Hickey, a resident of Fortune Bay, had his seine nearest to Bolt's house. Mr. Hickey's seine was the first seine set on the 6th January, 1878, and the British fishermen attacked him as well as the Americans.

(Signed) CHARLES DAGLE.

MASSACHUSETTS, ESSEX, *ss:*

GLOUCESTER, *December* 12, 1878.

Personally appeared Charles Dagle and made oath to the truth of the above statement.

Before me.

[SEAL.] AARON PARSONS,
Notary Public.

(18.)

Deposition of Willard G. Poole.

GLOUCESTER, *December* 10, 1878.

I, Willard G. Poole, master of the American schooner Maud and Effie, of Gloucester, do on oath depose and say that I know Mr. Bolt, and also the location of his hut at Tickle Beach, Newfoundland; that I was there on the 6th January, 1878, and saw and know of the operations of the American seines; that the hut of Mr. Bolt is fully 150 yards back from high-water mark from the beach; that I never heard or knew of any individual or body of men claiming any peculiar or particular rights on this beach, nor was any one ever hindered from fishing, except on the occasion of the 6th January, 1878, to my knowledge. There was no seine used by the Americans at any time on the beach or within 400 yards of Mr. Bolt's hut, except the seines captured by the British fishermen, which were hauled on to the beach by them (the British fishermen), and cut to pieces and destroyed.

(Signed) WILLARD G. POOLE.

ESSEX, *ss:*

GLOUCESTER, *December* 11, 1878.

Personally appeared before me the within-named Willard G. Poole, who subscribed and made oath that the within statement is true.

(Signed) ADDISON CENTER,
Justice of the Peace.

(19.)

Deposition of Michael B. Murray.

I, Michael B. Murray, master of the American schooner Mary M., of Gloucester, do on oath depose and say that I know Matthew Bolt, at Tickle Beach, Newfoundland; have known him to have a shanty there, and lives there winters, for the past four years. I never heard or knew of Mr. Bolt, or any other person, claiming any peculiar or particular rights on this beach, nor exercising any authority there, except the action of the mob on the 6th January, 1878. Mr. Bolt's shanty is about 150 yards from high-water mark. The American seines were operated more than 400 feet and due south along the beach from Bolt's hut.

(Signed) MICHAEL B. MURRAY.

MASSACHUSETTS,
Essex, ss:

GLOUCESTER, *December* 23, 1878.

Sworn to this 23rd day of December, A. D. 1878.
Before me.
[L. S.] AARON PARSONS, *Notary Public.*

(20.)

Deposition of Michael B. Murray.

I, Michael B. Murray, of Gloucester, master of the American schooner Mary M., do hereby on oath depose and say that I have invariably made good voyages to Newfoundland, and, with the exception of 1876, have made a clear profit, over and above all expenses, of at least 3,500 dollars for each voyage.

In the year 1875 I made 5,300 dollars, clear of all expense, on my voyage to Newfoundland for herring. In 1874 I made 5,500 dollars, clear of all expense.

In the year 1876 I had a cargo of 1,445 barrels of salted herring, was very late in the season, and cleared only 2,000 dollars.

(Signed) MICHAEL B. MURRAY.

MASSACHUSETTS,
Essex, ss:

GLOUCESTER, *December* 23, 1878.

Personally appeared M. B. Murray, and made oath to the truth of the above statement.

Before me.
[SEAL.] AARON PARSONS, *Notary Public.*

(21.)

Deposition of Peter Smith.

GLOUCESTER, *February* 5, 1878.

I, Peter Smith, of Gloucester, master of the American schooner Charles C. Warren, of Gloucester, do on oath depose and say that I was at Tickle Beach, Fortune Bay, Newfoundland, on the 6th January, 1878; that I had been to Labrador, from thence to Bay of Islands, and thence to Fortune Bay for a load of herring. On the morning of the 6th January, 1878, herring made their appearance in close proximity to the shore in great abundance. I was provided with two seines with which to take herring, and should have loaded my vessel and others on that day. I had my seine in the boat, and was preparing to use it when the attack was made on the other American seines, and I saw them destroyed, and I found that the mob of 200 or 300 of the British fishermen were determined to destroy every seine, and I did not dare put my seine in the water. After this time I bought of the British fishermen about 400 barrels of herring, paying 1 dol. 40 c. per barrel. My vessel would carry 1,300 barrels, all of which I could have taken on the 6th January at little or no cost to myself. I was about a fortnight buying 400 barrels of herring. I consider that my loss was at least 3,000 dollars, in addition to the expense of the voyage, by the hostile acts of the British fishermen.

(Signed) PETER SMITH.

STATE OF MASSACHUSETTS,
Essex, ss:

GLOUCESTER, *December* 14, 1878.

Personally appeared Peter Smith, and made oath to the truth of the above statement signed by him.

Before me.
[L. S.] AARON PARSONS,
Notary Public.

(22.)

Official statement of Newfoundland herring fishery.

I, Fitz J. Babson, collector of customs for the district of Gloucester, do certify that the following-named schooners were employed in the Newfoundland herring fishery during season of 1877 and 1878:

Schooners.	Tons.
Herbert M. Rogers	78
Moses Adams	100
John W. Bray	83
Wildfire	109
Edward E. Webster	99
Hereward	90
Bunker Hill	101
Landseer	99
Isaac Rich	92
Ontario	91
New England	86
Frank A. Smith	77
Wm. E. MacDonald	98
Moro Castle	89
Bonanza	137
Jennie A. Stubbs	198
Lizzie and Namari	94
Crest of the Wave	71
Moses Knowlton	111
Maud and Effie	85
Fred. P. Fye	85
Mary M	102
Maud B. Wetherell	108
Cunard	75
Charles C. Warren	109
Bellerophon	86
Total	26 vessels.

Vessels employed during season of 1878 *and* 1879 *in Newfoundland fisheries.*

Schooners.	Tons.
John S. McQuinn	82
Falcon	72
New England	86
Rattler	83
Wildfire	109
Bunker Hill	101
Isaac Rich	92
Centennial	116
Total	8 vessels.

Witness my hand and seal this 10th day of January, A. D. 1879.
[SEAL.] F. J. BABSON, *Collector.*

APPENDIX B.

(1.)

ANNO VICESIMO-QUINTO VICTORIÆ REGINÆ.

CAP. II.—*An act for the protection of the herring and salmon fisheries on the coast of this island, and for other purposes.* [Passed, March 27, 1862.]

Preamble.

Whereas the breed and fry of herrings frequenting the coast of this island and the Labrador are often found to be greatly injured and destroyed by the using of seines and nets of too small size or mesh, and by other unwarrantable practices; and whereas complaints have been preferred to the local government of alleged depredations committed by the fishermen frequenting these coasts upon each other: for remedy whereof,

Be it therefore enacted, by the governor, legislative council, and assembly, in session convened:

Herring not to be taken in seines from 20th October until 12th April.

I. That no person shall haul, catch, or take herrings in any seine, on or near any part of the coast of this island, or of its dependencies on the coast of Labrador, or in any of the bays, harbours, or any other places therein, at any time between the 20th day of October and the 12th day of April in any year; and no person shall, on or near the coast of this island or of its dependencies aforesaid on the coast of Labrador, or in any of the bays, harbours, or other places therein, at any time, use a seine or other contrivance for the catching and taking of herrings, except by way of shooting, and forthwith tucking and hauling the same: Proviso as to the use of nets. Provided that nothing herein contained shall prevent the taking of herrings by nets set in the usual and customary manner, and not used for in-barring or inclosing herrings in any cove, inlet, or other place.

Nets of 2 3-8 inch scale to be used from the 20th December until the 1st April.

Regulation as to nets with double bottom, &c.

II. No person shall, at any time between the 20th day of December and the 1st day of April in any year, haul, catch, or take any herring on or near the coast of this island or of its dependencies aforesaid on the Labrador, or in any of the bays, harbours, or any other places therein, in any net having the meshes, mokes, or scales of less than two inches and three-eighths of an inch, at least, from knot to knot, or having any false or double bottom of any description; nor shall any person put any net, though of legal size of mesh, upon or behind any other net not of such size of mesh, for the purpose of catching or taking the fry of such herring passing through any single net of two inches and three-eighths of an inch mesh or scale.

No person shall interfere with the nets of others.

III. No person shall wilfully remove, destroy, or injure any lawful net or seine, the property of another, set or floating on or near the coasts of this island or of its dependencies aforesaid on the Labrador, or in any of the bays, harbours, or other places therein, nor remove, let loose, or take any fish from or out of any such lawful net or seine.

Herring not to be taken from the 20th April until the 20th October between Cape Chapeau Rouge and Point Rosey.

IV. No person shall, at any time, between the 20th day of April and the 20th day of October, haul, catch, or take any herring or other bait for exportation within one mile of any settlement situate on that part of the coast between Cape Chapeau Rouge and Point Rosey.

Penalty for violation of this act.

V. Any person who shall violate any of the provisions of this act shall for every offence forfeit a sum not exceeding ten pounds; and, in addition, all seines, nets, and other contrivances used or employed in, about, or preparatory to the catching, hauling, taking, or in-barring of any herrings, in violation of any of the provisions hereof, shall be liable to forfeiture, and the same may be seized at once by any justice, sub-collector of customs, preventive officer, or constable, on view or by virtue of a warrant issued by such justice, sub-collector, or preventive officer, on oath to be administered by any of them, and detained until the trial of the offender, when they may be declared forfeited and ordered to be sold at public auction.

Prohibition for using salmon nets at certain times, and against erecting weirs, and penalty.

VI. And whereas an act was passed in the twenty-third year of the reign of Her present Majesty, entitled "An act for the protection of the salmon fishery, and for other purposes," whereby certain nets and seines were forbidden to be used, and certain weirs and other erections and contrivances were prohibited from being erected at certain times and under certain circumstances, in the said act declared:

Be it further enacted, That it shall be lawful for any justice, sub-collector, preventive officer, or constable aforesaid, on view, and for any constable or other person by virtue of a warrant to be issued as aforesaid, to seize any net or seine, and to destroy any weir or other erection or contrivance used or erected in contravention of the said recited act, and all such nets and seines shall be forfeited and disposed of in manner provided by the Vth section of this act.

Manner of recovering penalties, and in default term of imprisonment.

VII. All forfeitures and penalties imposed by this or the said recited act shall be recovered with costs, in a summary manner, before any justice of the peace, for which purpose such justice shall have full power to summon or arrest the offender, and to compel all witnesses, either by summons or warrant, to appear before him on such trial; and upon conviction of such offender, such justice shall issue his warrant to cause such seines, nets, or other contrivances so illegally used, to be sold at public auction, or, where permitted under the preceding section of this act, destroyed; and in default of payment of such penalty as may be imposed, and costs, by the party convicted, such justice shall issue his

warrant to any constable or other person to arrest and imprison such convicted offender for a period not exceeding twenty days.

Disposal of penalties and forfeitures.

VIII. All penalties and forfeitures under this or the said recited act, and all proceeds thereof, when recovered, shall be paid to the party informing against and prosecuting such offender to conviction.

Convictions not to be quashed for want of form, &c.

IX. No conviction or proceeding by any justice or other officer under this act shall be quashed or set aside for want of form, so long as the same shall be substantially in accordance with the true intent and meaning of this act.

This act not to interfere with rights protected by treaty.

X. Provided always, That nothing in this act contained shall in any way affect or interfere with the rights and privileges granted by treaty to the subjects or citizens of any state or power in amity with Her Majesty.

Ninth section of the Salmon Fishery Act repealed.

XI. The ninth section of the said recited "act for the protection of the salmon fishery" is hereby repealed.

(2.)

TITLE XXVII.—Consolidated Statutes of Newfoundland, 1872.

CAP. CII.—*Of the Coast Fisheries.*

Section.
1. Herring not to be caught between 20th October and 12th April. Seine, how to be used.
2. Time for use of and size of net.
3. Injuries to nets and seines.
4. Herring not to be hauled for bait between 20th April and 20th October.
5. Spearing or sweeping with nets and seines for salmon above tidal waters unlawful.
6. Stake, seine, or weir unlawful.
7. Mill-dams and other obstructions.
8. Mesh of salmon net.
9. Salmon bought or sold in close time forfeited.

Section.
10. Distance between salmon nets.
11. Time for taking salmon.
12. Penalties.
13. Weir, &c., erected contrary to law, may be destroyed.
14. Forfeitures and penalties, how recovered.
15. Appropriation of same.
16. Convictions not to be quashed for want of form.
17. Governor may appoint superintendent of fishery and fishery wardens.
18. Reservation of treaty rights.

1. No person shall haul, catch, or take herrings by, or in, a seine or other such contrivance on or near any part of the coast of this colony or of its dependencies, or in any of the bays, harbours, or other places therein, at any time between the 20th day of October and the 12th day of April in any year, or at any time use a seine or other contrivance for the catching and taking of herrings, except by way of shooting and forthwith hauling the same: Provided that nothing herein contained shall prevent the taking of herrings by nets set in the usual and customary manner, and not used for in-barring or inclosing herrings in a cove, inlet, or other place.

2. No person shall, at any time between the 20th day of December and the 1st day of April in any year, use any net to haul, catch, or take herrings on or near the coasts of this colony or of its dependencies, or in any bays, harbours, or other places therein, having the mokes, meshes, or scales of such net less than two inches and three-eighths of an inch at least, or having any false or double bottom of any description; nor shall any person put any net, though of legal size mesh, upon or behind any other net not of such size mesh, for the purpose of catching or taking such herring or herring fry passing a single net of legal size mesh.

3. No person shall wilfully remove, destroy, or injure any lawful net or seine, the property of another, set or floating on or near the coast of this colony or its dependencies, or any of the bays, harbours, or other places therein, or remove, let loose, or take any fish from such seine or net.

4. No person shall, between the 20th day of April and the 20th day of October in any year, haul, catch, or take herrings or other bait for exportation, within one mile, measured by the shore or across the water, of any settlement situate between Cape Chapeau Rouge and Point Enragee, near Cape Ray; and any person so hauling, catching, or taking, within the said limits, may be examined on oath by a justice, officer of customs, or person commissioned for the purpose, as to whether the herrings or other bait are intended for exportation or otherwise, and on refusal to answer or answering untruly, such person shall, on conviction, be subject to the provisions of the twelfth section of this chapter.

5. No person shall, by spearing or sweeping with nets or seines, take or attempt to take any salmon, grilse, par, or trout, in any bay, river, stream, cove, or watercourse, above where the tide usually rises and falls, or in any pond or lake.

6. No stake, seine, weir, or other contrivance for taking salmon, except nets set or placed across, shall be set or placed in any river, stream, cove, lake, or watercourse. No net shall extend more than one-third of the distance in a straight line across, and all nets shall be set only on one side of such river, stream, cove, lake, or watercourse.

7. No person shall construct any mill-dam, weir, rack, frame, train-gate, or other erection or barrier in or across any river, stream, cove, lake, or watercourse, so as to obstruct the free passage of salmon, grilse, par, trout, or other fish resorting thereto for the purpose of spawning; and all mill-dams or other erections placed on, over, or across any watercourse, river, or stream, resorted to by fish for the purpose of spawning, shall have a waste-gate opening, or slope sufficient to constitute a proper and sufficient fish way, which shall be kept in repair by the owner. No person shall permit any sawdust or mill rubbish to be cast into any such river, stream, cove, lake, or watercourse.

8. No person shall use any net for taking salmon, the mokes, meshes, or scales of which are less than four inches and a half inch.

9. No person shall buy or sell or have in his possession salmon, knowing the same to have been taken contrary to the provisions of this chapter, and every salmon so taken, bought, or sold shall be declared forfeited to the complainant by any justice.

10. No net shall be moored or set in any harbour, cove, creek, or estuary, or on or near any part of the coast of this colony, or its dependencies, for the purpose of taking salmon, nearer to any other net moored or set for a like purpose than one hundred yards for a single net, and three hundred yards for a double net or fleet of nets.

11. No salmon shall be taken before the 1st day of May or after the 10th day of September in any year: Provided that if the time limited in this section shall be found to operate injuriously in any part of this island, the governor in council may appoint any other time or times, and such time or times shall be as binding on all persons as if specially mentioned herein.

12. Any person who shall violate any of the provisions of this chapter shall be subject to a penalty not exceeding fifty dollars, and all seines, nets, and other contrivances used contrary to the provisions of this chapter shall be forfeited, and may be seized and detained until the trial of the offender by any justice, sub-collector of customs, preventive officer, fishery warden, or constable, on view, or by virtue of a warrant issued by such justice, sub-collector, or preventive officer, upon complaint made on oath to be administered by either of them, and, upon conviction, the same may be declared forfeited and ordered to be sold at public auction.

13. Any justice, sub-collector, preventive officer, fishery warden, or constable, may on view, destroy any weir, rack, frame, train-gate, or other erection or barrier, used or erected contrary to the provisions of this chapter, or the same may be destroyed by virtue of a warrant issued by any justice, sub-collector, or preventive officer, upon complaint made on oath to be administered by either of them.

14. All forfeitures and penalties imposed by this chapter shall be recovered, with costs, in a summary manner before any justice, for which purpose such justice may summon or arrest the offender, and compel witnesses, by summons or warrant, to appear before him; and upon conviction of the offender, such justice shall cause all seines, nets, and other contrivances illegally used, to be sold by public auction, or, where permitted under the provisions of the preceding sections of this chapter, destroyed; and in default of the payment of any penalty imposed, and costs, such justice shall issue his warrant and cause such offender to be arrested and imprisoned for any period not exceeding twenty days.

15. All penalties and forfeitures imposed by this chapter, and the proceeds thereof, shall be paid to the party informing against and prosecuting the offender to conviction.

16. No proceeding or conviction by any justice or other officer under this chapter shall be quashed or set aside for any informality, provided the same shall be substantially in accordance with the intent and meaning of this chapter.

17. The governor in council may appoint the collector of revenue for Labrador, or other person, to be superintendent of the fisheries on the coast of this island and its dependencies, and may also appoint fishery wardens, and prescribe their duties for the purposes of this chapter. The compensation for the services of such officers to be provided by the legislature.

18. Nothing in this chapter shall affect the rights and privileges granted by treaty to the subjects of any State or power in amity with Her Majesty.

[Inclosure 2 with No. 170.]

Mr. Hoppin to the Marquis of Salisbury.

LEGATION OF THE UNITED STATES,
London, April 6, 1880.

MY LORD: I have the honor to acknowledge the receipt of your lordship's letter of the 3d instant in reply to Mr. Welsh's communications of the 13th of August last in

relation to the claims of United States fishermen for losses occasioned by certain occurrences at Fortune Bay, Newfoundland, in January, 1878; and I have to acquaint your lordship that I shall send a copy of your letter to the honorable the Secretary of State at Washington by the earliest post.

I have, &c.,

W. J. HOPPIN.

DOCUMENT No. 27.

Mr. Evarts to Mr. Babson.

DEPARTMENT OF STATE,

Washington, August 5, 1879.

SIR: Arrangements have been made by which the naval steamship Kearsarge, under the command of Commander Henry F. Picking, will spend some weeks in cruising over the fishing grounds resorted to by our fishing fleet in the waters of Newfoundland and the Gulf of St. Lawrence. You are desired to join that vessel at Shediack, New Brunswick, in company with Alfred D. Foster, esq., of Boston, with as little delay as possible. The vessel will be there ready to receive you, and Commander Picking will have been advised of the duty assigned you and Mr. Foster, as set forth in the instructions given you.

The general purpose of this cruise of the Kearsarge is to examine the condition and conduct of our fishing interest in those waters; to observe the methods and equipage of our fishermen as used in the fisheries within three miles of the shore, and the treatment shown them in the pursuit of their industry by the local authorities and the population of the coasts to which they resort. You have been selected to accompany the Kearsarge in this cruise from your thorough and prolonged experience in the fishing interests of our people—from your personal acquaintance of the character and habits of the men engaged in this pursuit, and from your especial conversance with the general scope of the relations between these interests and those of the coast population of the provinces as developed by the rivalry and conflict between them, which have seemed inseparable from the common enjoyments of the fisheries.

Alfred D. Foster, esq., will accompany you as your legal adviser and to be in charge of the taking and reducing to form of such depositions or statements as you or he may think of importance for the information of the government in this important inquiry.

The consuls of the United States at the different points at which you may touch are expected to give you every aid in their power towards the objects in view, and to furnish you with any information in their possession that may be properly incorporated in your report of the situation of affairs on the coasts.

It is quite possible that some of our fishermen may wish to be advised as to the course which the government thinks them justified in taking should the local authorities assume to interfere with them in the peaceable pursuit within the three-miles line of their fishing methods and the use of their seines and fishing-tackle. This interference, if attempted, will doubtless be based upon the local legislation of the provinces regulating the fisheries on their coast within the three-miles line. In the view of this government, these local regulations are incompetent to curtail or control the participation of our fishermen, as accorded by the Treaty of Washington, in their inshore fisheries. So long as our fishermen use methods and apparatus in their judgment adapted to catching the fish

in the most efficient and most profitable manner to the industry they are pursuing, to wit, fishing from vessels manned and fitted from our ports, and seeking profit therefrom, and so long as they do not molest the provincial fishermen, pursuing their own methods in their equal right, this government regards our fishermen as within the treaty right and under no necessity of conforming, either in regard to days or seasons, or apparatus, to the prescriptions of the local regulations of the provinces.

You will, however, be careful to make our fishermen understand that they are not to resist the lawful authorities in any legal or judicial process or proceedings which may be taken against them in maintenance of these local laws. Taking care to preserve due evidence of this interruption of their rights and of the loss and damage thus occasioned them, for the vindication of their rights and the redress of their grievances, they will leave to their government the proper representation to the British Government to secure indemnity for the past and the prevention of future injuries.

I do not deem it useful to indicate to Mr. Foster or yourself more specifically the line or methods of your inquiries. As full and trustworthy an exhibition of the working of the system of the Treaty of Washington within the three-miles line as you can gather from your own observation and from the evidence which you can acquire, is desired as the result of this expedition. While on board the Kearsarge you and Mr. Foster will be observant, of course, of the system of the ship's discipline so far as it may need to affect the execution of the duty confided to you, and to the cordial co-operation of the naval authorities both you and the government can safely trust the prosperity of the service expected from you.

You will correspond only with this department, and be careful to avoid any communications that may lead to any publication of the progress or results of the cruise, except by authority of this department.

I am, &c.,

WILLIAM M. EVARTS.

DOCUMENT No. 28.

Mr. Evarts to Sir Edward Thornton.

DEPARTMENT OF STATE,
Washington, August 5, 1879.

SIR: I have the honor to acquaint you with the purpose of this government, in view of the importance of the pending questions respecting the fisheries of Newfoundland and the Gulf of Saint Lawrence, and for the better obtaining of the latest accessible information with respect to those fisheries, to send a naval vessel of the United States to the maritime provinces and ports of the Dominion and the adjacent fishing-grounds, for the purpose of making a careful examination of the conduct of those inshore fisheries by the American fishing fleet, which, under the Treaty of Washington, may visit those waters, and also of the treatment which our fishermen and their industry receive at the hands of the local authorities and population.

The United States steamer Kearsarge, under the charge of Commander Henry F. Picking, U. S. N., has been detailed for the assigned duty, and is now in the Gulf, with orders to await at Shediac, New Brunswick, the

arrival of the agent, who has been directed to embark at that place. This agent is instructed to make inquiry and report as to the operation of the treaty stipulations and local laws, and the general condition of affairs in that locality, so far as the fishing interests of citizens of the United States are concerned, with a view to a better understanding of the questions involved, and the adjustment of points of difference between the two governments, if practicable.

I have, &c.,

WM. M. EVARTS.

DOCUMENT No. 29.

Messrs. Babson and Foster to Mr. Evarts.

BOSTON, *September* 29, 1879. (Received October 2.)

SIR: In accordance with the instructions received by us from the Department of State, under date of 5th August, 1879, desiring us to join the United States steamer Kearsarge for the purpose of examining the condition and conduct of the United States fishing interests in the waters of the British North American Provinces, and to "observe the methods and equipage of our fishermen as used in the fisheries within three miles of the shore, and the treatment shown them in the pursuit of their industry by the local authorities and the population of the coasts to which they resort," we have the honor to report that on August 10 we met the Kearsarge at Shediac, New Brunswick, and proceeded immediately to Charlottetown, Prince Edward Island.

This island, from its situation in the Gulf of Saint Lawrence, is the most convenient point of observation for examining the fisheries pursued by the American vessels in these waters.

The principal fishery followed by the American fisherman in the waters of the Gulf of Saint Lawrence is the mackerel fishery. These fish are found along the whole coast of North America north of Cape Hatteras, appearing near the New England coast in May, and in the Gulf of Saint Lawrence early in June.

There is a great diversity of opinion among scientific observers in regard to the habits of the mackerel, whether they spend the winter in the Gulf and near the coast where they appear in the summer, or whether they winter in the South Atlantic and gradually come north along the coast as the water becomes warmer in the spring, arriving in the Gulf in the early summer.

Whatever the true theory may be, it is certain that the American fisherman finds the mackerel in the spring in the South, and follows them along the coast of the United States until they finally reach the Gulf.

Previously to the Reciprocity Treaty of 1854 the mackerel fishery was almost wholly in the hands of the Americans, the provincial fishermen confining themselves entirely to the cod-fishery; this treaty, by opening the markets of the United States to Canadian fish, stimulated this industry, until now Canadian fishermen engage in this fishery on all the coasts of the maritime provinces.

The methods of taking mackerel in use by the Canadian and American fishermen differ widely. The Canadians fish in small boats, going out a short distance only from the shore, returning to their homes each night, and using hand-lines alone. In Prince Edward Island there were

engaged in the fisheries during the year 1878, 1,175 boats and only 17 vessels.

Professor Hind, in his confidential report to the Canadian Government upon the effect of the Washington Treaty on Canadian fisheries, speaking of the difference in the modes of fishing used by the Canadians and Americans, says:

> Mackerel catching is a special industry, and requires sea-going vessels. The boat equipment so common throughout British American waters is wholly unsuited to the pursuit of the mackerel so largely carried on by United States fishermen. Immense schools of mackerel are frequently left unmolested in the Gulf and on the coast of Newfoundland in consequence of the fishermen being unprovided with suitable vessels and fishing-gear.

The American fishermen carry on the mackerel fishery in large vessels of from 50 to 150 tons burden. These vessels are sailed on a mutual system of division of profits, the owners providing the vessels and outfits, and the crew their time and labor for the trip; the proceeds of the voyage are divided equally, one-half to the owners and the other half to the crew. The average value of one of these vessels is $3,000, the seine and seine-boat $1,000, and the cost of the outfit about $600; the length of time employed in a trip to the Gulf is usually about twelve weeks.

The mode of conducting the mackerel fishery on the part of the Americans has, during the past few years, been undergoing great change and improvement. Formerly, the way of taking mackerel was by hand-lines; bait cut fine was thrown from the vessel into the water for the purpose of attracting the mackerel to the surface, and they were then taken by hand-lines.

As mackerel are often found in immense bodies or schools, the opportunity to take them in large quantities led to the invention of the purse or deep water seine, which has been, for the last fifteen years, the usual mode of taking mackerel by the Americans, and is known as the American method. This method was in full operation long before the adoption of the Washington Treaty, and was as much a part of the business as the use of the vessel, and when American fishermen were allowed to use the Canadian inshore waters, it was well known and understood that they would use all their improved appliances for taking mackerel or any other fish. These large purse seines are fifteen hundred feet long and one hundred and fifty deep, and can be graduated in size and used in deep as well as shoal water.

Nearly all the American mackerel vessels are now equipped with purse seines, and by their use the time employed in taking a trip of mackerel has been very much shortened, for with a seine, when mackerel are plenty, a full fare can sometimes be obtained in a few days, while by the hand-line it requires weeks and sometimes months to procure a trip.

Mackerel are a migratory fish, and their capture is a matter of much uncertainty; they appear and disappear in large bodies, and neither the time nor place where they can be taken can be determined beforehand with any accuracy. The only resource of the fisherman is to be prepared with the most expeditious means of taking them whenever the opportunity occurs.

The quality and value of mackerel depend upon their size and fatness. They are quoted in the market as numbers *one*, *two*, *three*, and *four*, according to the brand placed upon the barrel by the inspector. Small and poor mackerel are nearly worthless, while fine, large, fat mackerel, such as are taken off Block Island, near the coast of New England, are considered a great luxury and will sell for $30 a barrel.

The size, quality, and number of mackerel in the Gulf varies exceedingly in different years, sometimes being a mixed quality of large and small, and at other seasons being very poor and of little value.

During the present season the mackerel taken in the Gulf have been smaller and poorer than ever before, and will hardly pay even the Canadians themselves for taking them. At Prince Edward Island mackerel can be bought for about $1 a barrel unpacked, while packed, salted, and delivered in Boston, they cannot be sold for more than $3, and the dealers there have refused to advance more than $2 upon the mackerel consigned to them Indeed, the managers of some of the largest fishing establishments upon the island have this summer given up the mackerel fishery and turned their attention entirely to catching cod for the West Indies market, considering that after paying the expense of packing and transporting the mackerel there was no margin left for any profit.

The number of American vessels in the Gulf varies very much each year; there have been seasons previous to the Treaty of Washington when as many as five hundred vessels were in the Gulf at one time, but since the treaty has been in operation the number has greatly diminished.

By the official record kept by the collector of customs at Port Mulgrave in the gut of Canso, there appear to have been in the Gulf in 1873, 254 vessels; 1874, 164 vessels.

This record for the years 1875 and 1876 was demanded by the counsel of the United States at the Halifax Commission, but was refused by the British counsel, although it was admitted that the records were in their possession. The evidence produced by the United States shows that during those years there were not more than 100 vessels in the Gulf.

There were in 1877, 60 vessels; 1878, 273 vessels; 1879, 44 vessels.

Of the vessels in the Gulf in 1879, 24 are reported as having obtained 7,045 barrels, an average of 293 barrels each, which would make for the whole fleet 13,905 barrels taken by American vessels in the Gulf this year. If one-half of these fish were caught within three miles of the shore, which is a very large estimate, the value of the Canadian inshore mackerel fishery to the United States in 1879 was only $6,850—this is calculating the value of the fish at the price for which it can be purchased unpacked in Prince Edward Island, and making no allowance for the expense of catching the mackerel.

In 1878 more American vessels went to the gulf than in any year since the treaty has been in operation. Early in the season the fishing was poor upon the United States coast, and many vessels went to the gulf in hope that they would find the mackerel there, but most of them returned at once and did much better on the American shore.

The whole American catch in the gulf in 1878 was only 61,923 barrels, while 134,545 barrels were taken on our own coast. Every vessel engaged in the gulf mackerel fishery during the last two years has lost money.

We inclose a list of the United States mackerel-fishing vessels in the Gulf of Saint Lawrence during the present summer, and the number of barrels taken by each vessel, as reported at Port Mulgrave, in the Gut of Canso, September 1 (inclosure No. 1).

The reports of the Canadian department of marine and fisheries for several years have contained complaints from different parts of the coast about the poorness of the mackerel fishery; the usual reason given being that the use of purse seines by the Americans broke up the schools of mackerel, and the casting overboard of the small fish which are sometimes killed by the seines prevented the mackerel from taking the bait.

The fishery overseer from Prince County, Prince Edward Island, speaking of the decrease in value of the fisheries, says:

> This falling off is principally in the mackerel fishery. Fishing was never more vigorously prosecuted than last season, 614 boats and 2,086 men being engaged in this industry; but the fishermen state that owing to so many vessels fishing with seines and throwing overboard large quantities of dead fish the mackerel would not take the bait (Report Department Marine and Fisheries, 1878, p. 283).

Similar complaints appear in the reports from the other maritime provinces, and petitions have been presented to the department urging that purse seines should be prohibited.

In the report for 1877, page 53, Mr. Whitcher, the commissioner of fisheries, says:

> The modes of fishing most objectionable amongst the fishermen, *and not provided against by our fishery laws*, are purse seines and trawls. Their use has been petitioned against from several sea-coast districts. It is not desirable to interfere with either until further inquiries and more particular observations can be made.

Although the Canadian commissioner of fisheries in 1877 was of the opinion that the use of purse seines was not provided against by the Canadian fishery laws, yet on June 6, 1879, the following notice was issued from the Canadian department of marine and fisheries at Ottawa, and signed by Mr. Whitcher.

CANADIAN INSHORE FISHERIES.—DEPARTMENT OF MARINE AND FISHERIES, FISHERIES BRANCH.

OTTAWA, *June* 6, 1879.

Public notice, and particularly the attention of deep-sea and inshore fishermen, is directed to the following provisions of the statute, 31 Vic., cap. 60, known as the fisheries act, passed on the 22d May, 1868.

1. Section 14 prohibits the throwing overboard or leaving of dead or decaying fish, or remains of offals of fish, or other marine animals, within any water where fishing is carried on, or upon any fishing bank; also forbids leaving the same in any net or other fishing apparatus.

2. Section 14, subsection 2, provides that dead or decaying fish, or any other deleterious substance, shall not be drawn into, or allowed to pass into, or be left or remain in any water frequented by any kinds of fish mentioned in the fishery laws.

3. Section 13, subsection 7.—Bag-nets and trap-nets and fish-pounds are prohibited, excepting under special licenses.

Besides the fines imposed by said statute, any offender against the fishery laws is liable to the forfeiture of the nets, materials, implements, or appliances used in connection with the offense.

Fishery officers may seize upon their own view, or on complaint, any fishing gear subject to confiscation, and fine offenders forthwith.

British and foreign fishermen alike are required to conform to the Canadian fishery laws.

It having been established in evidence that certain kinds of nets used for mackerel and other fish are fished in contravention of the fishery laws, by destroying quantities of small fish, besides mature fishes which are thrown away dead or dying, or are left to decay on the fishing grounds or within the inshore waters, the fishery officers are instructed to strictly enforce the fishery laws passed to prevent such illegal and injurious practices.

They are also instructed that British subjects, when fishing in British waters, are bound to conform in every respect to the Canadian fishery laws, and that foreigners fishing within three miles of the coasts of Canada, under treaties, in common with British subjects, are required to do so in conformity with the fishery laws which govern the operations of British fishermen.

By order:

W. F. WHITCHER,
Commissioner of Fisheries.

This circular is an attempt to place a forced and unreasonable construction upon certain sections of the Canadian fishery act, statute 31 Vic., cap. 60, and to apply this to American fishermen fishing in Canadian waters under the Treaty of Washington, in order to prevent the

use of purse seines. The full text of the sections referred to is as follows:

XXXI Victoria, Cap. 60.

SEC. 14. Whoever throws overboard ballast, coal, ashes, stones, or other prejudicial or deleterious substances, in any river, harbor, or roadstead, or any water where fishing is carried on, or throws overboard or lets fall upon any fishing bank or ground, or leaves, or deposits, or causes to be thrown, left, or deposited upon the shore, beach, or bank of any water, or upon the beach between high and low-water mark, inside of any tidal estuary, or within two hundred yards of the mouth of any salmon river, remains or offals of fish or of marine animals, or leaves decayed or decaying fish in any net or fishing apparatus, shall incur for any such offense a fine not exceeding one hundred dollars, or imprisonment for not more than two months, and every person so doing, whether master or servant, and the master or owner of any vessel or boat from which such ballast, offals, or other prejudicial substance are thrown, shall severally become liable for each offense; provided always, that it shall be lawful to bury such remains or offals ashore, beyond the mouths of rivers, for carrying on deep-sea fisheries, to drop the same into perforated boxes or inclosures built upon the beach or under stage-heads in such manner as to prevent the same from being floated or drifted into the streams, or to dispose of them in such other manner as may be prescribed by any fishery officer.

2. Lime, chemical substances, or drugs, poisonous matter (liquid or solid), dead or decaying fish, or any other deleterious substance, shall not be drawn into, or allowed to pass into, be left or remain in any water frequented by any of the kinds of fish mentioned in this act; and saw-dust or mill-rubbish shall not be drifted or thrown into any stream frequented by fish, under a penalty not exceeding one hundred dollars; provided always, that the minister shall have power to exempt from the operation of this subsection, wholly or from any portion of the same, any stream or streams in which he considers that its enforcement is not requisite for the public interest.

SEC. 13 (7). Bag-nets and trap-nets and fish-pounds are prohibited, except under special licenses for capturing deep-sea fishes other than salmon. (Fishing acts of Canada, inclosure No. 11.)

After citing the foregoing sections, Mr. Whitcher lays down his construction of the fishery act in the instructions to the fishery officers.

It having been established in evidence that certain kinds of nets used for mackerel and other fish are fished in contravention of the fishery laws, by destroying quantities of small fish, besides mature fishes which are thrown away dead and dying, or are left to decay on the fishing grounds or within the inshore waters, the fishery officers are instructed to strictly inforce the fishery laws passed to prevent said illegal practices."

Among the many claims brought forward on behalf of the British Government before the Halifax commission as reasons why a large award should be made by the commissioners, the deleterious effect upon the Canadian inshore fisheries that would be caused by the use of purse seines by the Americans in the gulf was insisted upon. Evidence was brought forward attempting to show that seining at times destroyed large numbers of small fish, unfit for food, and these being thrown overboard were eaten by the mackerel, who thus gorged with food would not take the bait, or attracted predaceous fish which drove the mackerel away.

All the complaints now made by the fishermen against the use of purse seines were made before the Halifax commission. The size, shape, and mode of using these seines was shown by the evidence, and their alleged destructiveness, and the evil effect they would have upon the Canadian fisheries were pressed upon the commissioners by the British counsel in their final arguments, and must be presumed to have been taken into account by the commissioners in making their award.

All modes of fishing by which large bodies of fish are inclosed at once of necessity must take immature fish, but whether this waste has any effect upon the whole supply of fish in the sea is very doubtful.

In 1863 a commission was appointed by the British Government to examine into the sea fisheries of the United Kingdom, and to ascertain "whether any of the methods of catching fish in use in such fisheries

involves a wasteful destruction of fish or spawn, and, if so, whether it is probable that any legislative restriction upon such method of fishing would result in an increase of the supply of fish."

The commissioners, James Caird, Thomas H. Huxley, and George S. Lefevre, after a long and elaborate examination into the methods of fishing and the apparatus in use by the fishermen, in which the same complaints now made by the Canadians against purse seines were made by the English fishermen against the use of seines and beam-trawls, recommended to the British Government that all acts of Parliament which professed to regulate the modes of fishing pursued in the open sea or inshore waters be repealed. The commissioners state they do not consider that there is any evidence that operations of man have any great effect upon the supply of fish in the sea; and that whatever effect is produced by waste or extravagance in the capture of fish is itself so trifling in proportion to the natural wear and tear of the fish that it may be thrown entirely out of account. (Sea Fisheries Commission Report, 1866.)

The inspectors of salmon fisheries, in their report to the colonial office and inclosed in the dispatch from Sir M. Hicks Beach to the governor of Newfoundland (inclosures numbers 8 and 9), coincide with this opinion, and say further that no regulations which any single nation can make in regard to the fisheries are of any great value, and that any "regulations, therefore, applicable to the territorial waters would have the effect of driving the fishery further from the shore; they would have no effect whatever."

No attempt has been made to enforce the laws against seining during the present season, but if next year mackerel should be more plenty in the gulf, and American fishermen should resort there in greater numbers, any attempted enforcement would be productive of much trouble, and would practically prevent them from obtaining any benefit from the treaty in the inshore waters of the Dominion, by forcing them to fish entirely outside of the Canadian jurisdiction.

As by section 16 of the fishery act, and by the instructions of the commissioner of fisheries, the fishery officers may seize "upon their own view or on complaint" all nets and appliances used in contravention of this act, "and fine offenders forthwith," one-half of the fine going to the informer. American fishermen even when using their seines outside the three-mile limit will be liable to incessant trouble and interruption.

On Friday, August 15, we left Prince Edward Island for the Magdalen Islands, arriving there the evening of the 16th. Under the convention of 1818 the American fishermen have the right to fish on the shores of the Magdalen Islands without any restriction as to distance. Situated in the center of the Gulf of Saint Lawrence, these islands were formerly the resort of large bodies of mackerel, which remained there all summer, and until the last few years. American vessels found around these islands the best fishing places in the gulf.

Mr. Fox, the collector and fishery overseer of the Magdalen Islands, testified before the Halifax commission that in 1861 he counted 500 American schooners engaged in fishing near the islands. When we saw him there, this summer, he informed us he had not seen a single United States vessel. In 1877 about thirty vessels fished near the islands. In 1878 only 20, and none of these vessels did well. This year the mackerel catch at the islands has been a failure; very few have been taken by the inhabitants, and they were all small, not exceeding 13 inches in length.

Formerly a large herring business was carried on here, almost exclusively by Americans. This, although called a fishery, was really merely a commercial transaction, the vessels bringing seines and hiring the native fishermen to catch the herring at an agreed price per barrel, but this, like all the other gulf fisheries carried on by Americans, has steadily decreased. In 1877 there were engaged in this fishery 25 American vessels, 65 Canadian vessels. In 1878, 18 American vessels, 71 Canadian vessels, and of the American vessels only four obtained any herring. In 1879, 5 American vessels, 42 Canadian vessels.

There have been usually during the summer a small fleet of American cod-fishing vessels near the Magdalen Islands; but only two have been seen this year.

In our whole cruise in the gulf, extending over the most frequented fishing grounds, we only saw seven American schooners, and they reported that there were not over twenty sail in the bay.

Leaving the Magdalen Islands, we crossed to Cape Breton, landing at Aspée Bay, where there had been this summer some trouble between the native fishermen and the Americans. During the present season some American fishermen, finding that there was at the French Islands of St. Pierre and Miquelon a large demand for squid, engaged in the business of carrying squid there and selling it in a slightly salted condition to the French and American bankers, to be used as bait upon the Grand Banks. This has proved very profitable, squid having been sold at St. Pierre as high as seven francs a hundred, and there are already about ten vessels engaged in this trade.

In June of the present year several of these vessels were at Whitehead, Cape Breton, to procure squid. Whitehead is a small settlement in Aspeé Bay, at the extreme northern part of Cape Breton, and inhabited by about two hundred fishermen. The people are very poor and uneducated, and their only employment is cod-fishing, and catching squid and selling them to the bankers that come for bait. While these vessels were at Whitehead the squid appeared in the bay in large schools, and, as is usually the case when schooling, would not bite at the jig, so neither the native fishermen or the Americans were able to take any. Two of the captains of the American vessels, Captain Anderson, of the schooner Cadet, and Captain Goodwin, of the Bay State, had carried with them from the United States seines in order to seine squid, and with these seines they could have surrounded the squid as they schooled, and probably in a few hauls have taken a large portion of the squid in the bay, filling their own vessels and selling the remainder to the bankers that were there waiting for bait. When, however, they attempted to use these seines, they were informed by the native fishermen that they would not be permitted to seine any squid in the bay, and that if the seines were placed in the water, they, the native fishermen, would tear them up. No actual violence was used by the natives, but threats were freely made that any attempt to use a seine for squid would be prevented by force. As these seines are valuable, being worth from four to five hundred dollars each, the American captains did not dare risk having them destroyed, and were obliged to leave without any squid. Captain Anderson afterwards returned and purchased a load of squid of the native fishermen, paying them $561, all of which he could have saved if he had been permitted to use his seine. These facts are clearly shown both by the depositions of the American fishermen and that of Mr. Challoner, a Canadian merchant living at Whitehead, which we herewith inclose (inclosure No. 13).

While at Aspée Bay we saw a number of the Canadian fishermen

themselves, who admitted that they had threatened Captain Anderson and Captain Goodwin, and that they had not allowed them to seine in the bay. The fishermen said what, from our own observation, we believe to be entirely true, that they were very poor, and all the cod they caught they sold to the dealers, and were compelled to take their pay in goods and supplies at high prices, and the only money they ever received during the whole year was the little they procured by selling squid to the American vessels, and that they look forward all summer to the squid season, which only lasts a few weeks, to get this money to pay their taxes and other expenses; that if the seines had been used when the squid were schooling, they would have been deprived of this money which they had hoped to earn. They were very glad to have the Americans come to purchase squid, and were willing that the Americans should jig for squid, but the large seines would soon take all the squid in the bay.

There is no law in the Dominion of Canada against seining squid, and the Americans were acting clearly within their rights under the treaty in attempting to seine.

The native fishermen, in opposing the use of seines, were only endeavoring to prevent the loss of a very lucrative trade by the Americans taking the squid with seines.

It is the same opposition that always appears when improved machinery and advanced methods of production come into competition with unskilled labor.

The great dependence of the Canadian fishing industry upon the markets of the United States for the sale of their fish, and the great benefit which they receive from the remission of duties, clearly appears from the returns. Nearly one-half of all the fish exported from Canada goes to the United States, while of mackerel alone nearly four-fifths of the entire exportation is to the United States. In 1877, 102,698 barrels of mackerel were exported to the United States, and only 28,623 barrels to all other countries. Practically, the United States is the only market for the best qualities of mackerel, and if a prohibitory duty should be imposed, that fishery would be almost abandoned by the Canadians. If an average duty of 20 per cent. had been imposed on Canadian fish, more than two millions of dollars would have been received by the United States since the Treaty of Washington came into force.

The amount of fish exported from Canada to the United States, from 1873 to 1878, is as follows, viz:

1873	$1,393,389
1874	1,612,295
1875	1,637,712
1876	1,455,629
1877	2,339,383
1878	1,959,842
Total export	10,398,250

Mackerel exported 1873–1878:

	Bbls.	Value.
1873	90,889	$610,457
1874	89,693	802,470
1875	77,538	584,836
1876	76,538	695,460
1877	102,698	845,016
1878	85,195	580,971
	522,551	4,119 210

After leaving Cape Breton we proceeded to St. John's, Newfoundland, calling on our way at the French islands St. Pierre and Miquelon. These islands, from their situation immediately opposite Fortune Bay, the headquarters of the herring fishery, would be very available as a baiting and supply station for our fleet of cod-fishermen if, after the expiration of the Treaty of Washington, they should be prohibited from going to the coast to Newfoundland. There is already a large trade in bait between St. Pierre and Newfoundland, which would increase if the American vessels also came in there for bait. At times so much bait comes from St. Pierre to Newfoundland at once that it cannot be sold at any price, and has to be thrown away. At present the American fishing vessels are subject to excessive port charges at St. Pierre, and this has prevented many of them from coming there for bait.

We arrived at St. John's on the 21st of August, and spent several days in visiting the various places in Trinity and Conception Bays, frequented by American fishermen for procuring bait and ice, and in making inquiries into the general condition of the inshore fisheries of Newfoundland, and how much they are prosecuted by the Americans.

The case presented on behalf of the colony of Newfoundland to the Halifax commission, after stating the great value of the inshore fisheries of that island, says:

> It may be contended, on the part of the United States, that their fishermen have not in the past availed themselves of the Newfoundland inshore fisheries, with but few exceptions, and that they would and do resort to the coasts of that island only for the purpose of procuring bait for the Bank fishery. * * * It is not at all probable that, possessing as they do the right to take herring and caplin for themselves on all parts of the Newfoundland coasts, they will continue to purchase as heretofore, and they will thus prevent the local fishermen, especially those of Fortune Bay, from engaging in a very lucrative employment, which formerly occupied them during a portion of the winter season for the supply of the United States market. (British case, p. 46.)

For many years American vessels have been accustomed to resort to Fortune Bay in the winter for herring, which are shipped in a frozen state and sold in the cities of the United States. These herring were, until the winter of 1878, always purchased of the native fishermen, and this trade is admitted to have been a great benefit to them, by giving employment during a season when they have no other occupation. The number of vessels engaged in this trade was about 50, and as each vessel purchased from 600 to 800 barrels of herring, paying about one dollar a barrel, a large amount of money was received by the inhabitants.

In the winter of 1878, for the first time, the American fishermen, taking advantage of their rights under the Treaty of Washington, carried with them to Fortune Bay seines, and themselves attempted to catch the herring, thus saving the money formerly expended in purchasing.

The Newfoundland fishermen being naturally desirous of retaining their former "lucrative trade," forcibly prevented the Americans from using the seines, and during the disturbance one of the seines belonging to an American vessel was destroyed, and they were all compelled to return to the United States empty and with a total loss of the voyage, resulting in great damages to the crews and owners of the vessels. In consequence of this trouble some correspondence ensued between the two governments, in which it was assumed by the British Government that United States fishermen fishing within three miles of the coast of the British North American Dominions, under the Treaty of Washington, must conform to all the local laws and regulations governing British fishermen, and it was claimed by the British Government that the

American fishermen were engaged in three distinct violations of the local laws.

If this is the true construction to be placed on the treaty, it is difficult to see what advantages the United States have received, and for which more than one million dollars has been paid to Newfoundland as its share of the fishery award.

Since the Washington Treaty a series of laws have been enacted by the Newfoundland legislature, the tendency of which has been to limit and restrict the rights of the American fishermen, until at the present time fishing in the territorial waters of Newfoundland has been abandoned, so that absolutely no benefit is received under the treaty by the United States in Newfoundland waters.

The law against seining herring in the winter, which it was claimed the Americans had infringed (Consolidated Stat., cap. 102, § 1), with the exception of the change of date from April 25 to April 18, is exactly the same in form with the act in present force, 42 Vic., Cap. II, § 1:

> No person shall haul, catch, or take herrings by or in a seine or other such contrivance, on or near any part of the coast of this colony or its dependencies, or in any of the bays, harbors, or other places therein, at any time between the twentieth day ot October in any year and the eighteenth day of April in the following year, or at any time use a seine or other contrivance for the catching or taking of herrings, except by way of shooting and forthwith hauling the same: *Provided*, That nothing herein contained shall prevent the taking of herrings by nets set in the usual and customary manner, and not used for inbarring herrings in a cove, inlet, or other place.

By this statute the American fisherman is prevented from seining herring during six months of the year, and during the only six months when there is any demand for herring in the United States, and when large catches and quick dispatch are of most vital importance to the success of a voyage.

The only way by which Americans can take herring during the winter months is by the slow process of setting gill-nets, and even as to these, by Consolidated Stat., cap. 102, § 2, they are limited to nets of a certain size and shape.

Herring taken in gill-nets sell for less in the market than seined herring, and the time necessary to take them in gill-nets is so long, and the expense that would be incurred by the vessels so great, that the only course that remains possible is to purchase of the native fishermen.

From the evidence taken by the British Government in reference to the trouble at Fortune Bay it appeared that the law against seining herring had never been enforced and was not known to the Newfoundland fishermen at Fortune Bay. As soon as the attention of the home government was called to this, the secretary of state for the colonies wrote to Sir John Glover, the governor of Newfoundland, suggesting, under date of July 30, 1878, that it might "be desirable that some steps should be taken for making the fishermen of Long Harbor (Fortune Bay) better acquainted with the law which prohibits the using of seines for taking herring on or near the coasts of the colony at any time between the 20th day of October and the 25th day of April in each year." This dispatch was communicated by Sir John Glover to his government. (Journal of the House of Assembly, Newfoundland, 1879, appendix, p. 524.)

After this and probably in consequence of the communication from the home government, the legislature of Newfoundland passed, March 19, 1879, an act entitled "An act to amend the law relating to the coast fisheries."

The first section of this law is the one quoted above and merely changes the date in the former law from April 25 to April 18. The

third section increases the penalty for the violation of the law from fifty to two hundred dollars.

The fourth and fifth sections are as follows:

IV. The owners, masters, and other persons managing or controlling vessels conveying herrings in bulk between the twentieth day of October in any year and the eighteenth day of April in the following year, shall be deemed to have hauled, caught, or taken such herrings contrary to the provisions of chapter one hundred and two of the Consolidated Statutes, as amended by the said above recited act, thirty-nine Victoria, chapter six, and by this act, unless such owner, master, or other person aforesaid shall make proof to the contrary before a justice of the peace.

V. Any justice of the peace, subcollector of the customs, preventive officer, fishery warden, or constable may board any vessel suspected of carrying herrings in bulk between the twentieth day of October in any year and the eighteenth day of April in the following year; and in case any such justice, subcollector, preventive officer, fishery warden, or constable shall make signal to any vessel suspected as aforesaid, from any vessel employed by the government, by dipping the ensign at the main peak three times, and firing a gun, it shall be the duty of the owner, master, or person managing or controlling such vessel so signalled to heave-to such vessel until such justice, subcollector, preventive officer, fishery warden, or constable shall have boarded and examined such last-named vessel; and in case of such master, or owner, or person managing or controlling as aforesaid such last-named vessel omitting so to heave her to, or to afford facilities for such justice, subcollector, preventive officer, fishery warden, or constable boarding such vessel or obstructing such justice, subcollector, preventive officer, fishery officer, or constable boarding or examining any such vessel, he shall be subject to a penalty of five hundred dollars, to be recovered with costs in a summary manner before a justice of the peace, and in case default shall be made in the payment of such penalty, such justice shall issue his warrant and cause such offender to be imprisoned for a period not exceeding thirty days. (Fishery laws of Newfoundland, inclosure No. 12.)

The great injustice of this law and the effect that it will have of driving away all American vessels engaged in the winter herring fishery is very obvious. Instead of taking measures to have the laws of the colony obeyed by its own citizens, the government makes every American vessel carrying herring during the winter, whether the herring were caught by the Americans or purchased of the inhabitants, liable to a fine unless it can be shown to the satisfaction of a justice of the peace, and the burden of proof is upon the captain of the American vessel, that the herring were not taken in violation of law. And by section VI the only appeal from the decision is by a long and expensive litigation in the supreme court of Newfoundland, after giving security for the performance of the order appealed from and payment of costs.

This law was not passed until after the close of the last winter's fishing season, and has not yet been enforced. The practical enforcement of it next winter will result in a complete destruction of this industry, as carried on by the American fishermen; they cannot catch herring in their own manner and with their own nets; they are forced to purchase of the inhabitants, and finally they are liable to have their voyage broken up and their chance of carrying their herring to market in a proper condition destroyed unless they can show to the satisfaction of every petty local official that the Newfoundland fishermen from whom the herring were purchased have obeyed the laws of their own country.

In the winter of 1877, 40 vessels sailed from Gloucester alone to Fortune Bay for herring; in 1878, 26 vessels; and in 1879, only 8.

It may safely be asserted that if the law passed this year is strictly enforced, not one American vessel will in the future engage in this fishery.

The codfishery as pursued by the natives of Newfoundland is entirely an inshore fishery, carried on in small, open boats, or punts, containing three or four men, and never going beyond three miles from the shore. The fish taken are small and unsuited to the American markets; they

are usually hard cured and exported to the West Indies, Portugal, and Brazil.

The American vessels fish for cod upon the Grand Banks, from thirty to one hundred miles from the shore, and never come within the inshore waters of Newfoundland, except to procure bait. The cod taken on the banks are a different species from the shore fish and much larger; indeed, the fish caught upon the various banks differ so much in appearance that after they have been landed an experienced fisherman can tell from what bank they were taken.

The vessels used in the bank fishery are large vessels of about one hundred tons. The Americans fish usually with trawls, but in some places where the tide is very strong hand-lines are used. The bait formerly used was salted clams and menhaden, which were carried from the United States, together with the offal of the fish and whatever fresh bait could be procured on the banks; but within the last few years American vessels have been accustomed to go to the harbors and bays of Canada and Newfoundland for fresh bait, which was preserved in ice and used on the banks. This bait at different parts of the season consists of herrings, caplin, and squid, in the order named.

The bait is always purchased of the Newfoundland fishermen, and the price paid is so high that they find it much more remunerative to catch bait and sell it to the Americans than to follow their usual business of codfishing, especially during the squid season. In nearly every cove along the coast ice-houses have been erected during the last few years for selling ice to the Americans to use in preserving this bait fresh.

There are about 300 American vessels on the banks that come into Newfoundland for fresh bait, and as these vessels will average about $400 expended for bait and ice during the season, at least $100,000 is annually paid by the Americans to the Newfoundlanders for this purpose.

Mr. Molloy, the consul at St. John's, informed us that he had in one summer cashed drafts drawn by the American vessels for bait and ice to the amount of over $25,000.

Much complaint is made by the American fishermen that the law prohibiting seining squid (39 Vic., cap. VI., § 3), passed April 26, 1876, prevents their taking any squid themselves, and compels them to purchase entirely of the natives. This law is as follows:

> No people shall, at any time, haul, catch, or take squids, within or by means of any seine, bunt, or other such contrivance.

They say that at present they lose nearly a third of their time waiting for the local fishermen to catch the squid one by one on jigs, while if a seine could be used they would be able to take the squid themselves in a short time and leave for the banks without any delay.

Often squid will not take the jig, especially when schooling, and, although the water may be alive with them, the American vessels are obliged to leave for some other place where the squid will bite, and thus they often go from bay to bay before they can procure any bait, when, if seines could be used, they could easily have hauled all they needed. As the expenses of a codfishing vessel are about twenty dollars a day, this delay causes a great loss to the owners of the vessel. While at Trinity and Conception Bays, we saw several vessels that had waited more than ten days before they had been able to procure bait.

Each codfishing vessel requires about thirty thousand squid for a baiting, and the price usually paid is twenty cents per hundred, but in some places this summer competition has raised the price to fifty cents per hundred. Even when squid are very numerous no one man can take more than four or five hundred squid in a day with a jig, and it is impossible

for the crew of the American vessel alone to take sufficient squid for a baiting in this manner, but if allowed to seine they could save not only the time now lost but the money paid to the native fishermen.

This law is very strictly enforced, and any attempt to seine would not only be punished by the authorities, but would probably be met with violence by the Newfoundland fishermen, who state very openly that they will not allow any seining of squid, and in this they are abetted by the local newspapers, which are very hostile to the American fishermen, and advise the local fishermen that if the government will not protect them they must protect themselves against any seining squid by the Americans.

By chapter 102, consolidated statutes, section IV, as amended April 26, 1876 (39 Victoria, cap. 6, § 2):

> No person shall, between the 10th day of May and the 20th day of October, in any year, haul, catch, or take herrings or other bait for exportation within one mile, measured by the shore or across the water, of any settlement situate between Cape Chapeau Rouge and Pointe Euragee, near Cape Ray.

This law does not seem to have ever been enforced, but by its terms it would prevent the procuring of bait by Americans on a large portion of the southern coast of Newfoundland, including Fortune Bay, and that part of the coast between Cape Ray and the Rameau Islands, where the liberty of taking fish of all kinds was granted by the convention of 1818.

The question whether the American fishermen fishing in the waters of Newfoundland under treaties with the British Government are bound to obey all the local laws and regulations was the subject of some correspondence between the colony and the home government during the time when the reciprocity treaty of 1854 was in force. And March 15, 1864, a message from the governor to the house of assembly of Newfoundland inclosed a dispatch from the Duke of Newcastle and an opinion of the law officers of the Crown upon this question. (Journal of the House of Assembly, 1864, p. 75; Appendix, 661–669.)

The Government of Newfoundland claim that the right of colonial legislatures to pass laws and regulations regarding the fisheries, and to enforce their obedience by American fishermen, was admitted by the Government of the United States, in a circular addressed to the collector of customs at Boston by Hon. W. L. Marcy, Secretary of State, March 28, 1856, enjoining upon American fishermen the observance of these laws. We inclose copies of the message of the governor and accompanying papers and of the circular of the State Department. (Inclosures numbered 2, 3, 4, and 5.)

The only use which the Americans make of the inshore waters of Newfoundland and the right to enter the harbors of that island is purchasing bait and ice of the colonial fishermen. This is entirely a commercial privilege, and, under the ruling of the Halifax Commissioners, is neither granted or guaranteed by the Treaty of Washington, and already several attempts have been made to prohibit the sale of bait and ice to the Americans under heavy penalties.

It may seem strange that the colonial government should desire to put an end to this trade in bait and ice, which we have shown to be of so much value to the native fishermen; but the reason appears very evident when the state of affairs in the colony is considered.

The persons engaged in the fishing business in Newfoundland are of two distinct classes, the merchants or planters and the actual fishermen. The planters, who purchase the fish of the fishermen, are wealthy and influential, and have the largest share in the direction of the government.

In the fishing business the money is made not by the actual workers, but by the capitalist. These planters provide the fishermen with their boats and gear and provisions for their families during the winter, taking pay in fish at a price settled previously by the planters, among themselves, to prevent competition. The fishermen are very improvident, and at the end of each year are usually in debt to the planter, whose only chance of being repaid is to keep the fisherman at work catching cod, which are credited against this debt. Thus the fisherman is kept in a situation almost of bondage, forced to sell his fish at a low price to the planter, and receiving his pay in supplies at a high price.

The testimony of the Newfoundland witnesses shows that the usual profit made by the planters on the fish purchased of the fisherman was more than 30 per cent., and that a further profit of from 25 to 30 per cent. was charged upon the supplies in which payment was made. Under this credit system, whenever the fishing is bad, the fishermen must be supported either by the planters or by the government. In 1878 more than one-tenth of the entire revenue of the island was expended in pauper relief, while in 1863 nearly one-third was so used.

The money which is paid by the Americans for bait to the native fishermen never gets into the hands of the planters, but is spent by the fishermen in some other way than in paying their debts to the planters.

The planters consider this money is wasted, and say that if this trade in bait and ice was prohibited the fishermen would not be drawn away from their usual codfishing and would be gradually reducing their debts. The fisherman, however, is very willing to earn ready money by selling bait. Mr. Fraiser, now a member of the Newfoundland ministry, in his evidence before the Halifax Commission said, with reference to this trade—

> You see that all the fish that are caught are in the hands of the planters. The fishermen cannot get half a quintal or a quarter of this fish until it is weighed out to him or he is settled with. So he has not a copper between the time he goes out in the spring and the settlement in October, except in case of an independent fisherman. Therefore the inducement of a little ready money from the Americans is very alluring to him.

These attempts to prohibit the sale of bait and ice to the Americans have been, to a certain extent, party questions in the local politics of the colony.

In 1877 the governor called the attention of the Home Government to this traffic, saying that it had injured the fisheries by making it harder for the local fishermen to procure bait, and that it called "the colonial fishermen away from their own fishing to procure a supply of bait and ice for the Americans." (Sir John Glover to Earl Carnarvon, December 31, 1877; Journal of the House of Assembly, 1878; Appendix, pages 294, 295, and 296.)

No action was taken by the Home Government upon this communication, and on June 25, 1878, the governor wrote to the colonial office, inclosing an address of the house on this subject, and requesting that the Home Government might comply with the wishes of the colonists, as expressed in the address.

This letter was replied to by the colonial secretary, Sir M. Hicks Beach, December 25, 1878, inclosing a report by the inspectors of salmon fisheries on this subject, saying:

> It will be perceived that the general conclusion of the inspectors, who are gentlemen of large experience in such matters, is to the effect that the operations of man have but a very slight effect on the supply of herring, and that, with the experience of this country before them, they doubt the necessity of any legislation for the protec-

tion of herring, and they doubt the propriety of interfering, under any circumstances, with the capture of bait, as well as the possibility of making any regulation which would be effectual, applicable to the territorial waters of a single country, and that, reasoning from analogy, they would hesitate to advise the adoption of any regulations for the preservation of caplin or squid. * * * With this report before them, Her Majesty's Government cannot but feel uncertain whether any failure in the bait fishery of Newfoundland would be remedied by the adoption of the measures proposed by the house of assembly, and whether the practice complained of and which it is sought to prohibit has been sufficiently proved to have diminished the actual quantity of bait visiting the coast, although the increased competition of the Americans may have made it less easy for the local fishermen to secure the bait they require for their own fishing.

But, apart from this view of the question, Her Majesty's Government deem the present moment inopportune to effect any such change in practice as that which it is desired should be established. They are giving their most careful consideration to the whole question of the fisheries, both as regards the United States subjects and the subjects of France, and they feel that a satisfactory solution of the several important points at issue might be considerably hindered by action in the direction suggested by the assembly. (Journal of House, 1879, Appendix, pages 404–413.)

Copies of this correspondence are herewith inclosed. (Inclosures Nos. 6, 7, 8, and 9.)

This dispatch of Sir M. Hicks Beach follows the course pursued by one of his predecessors, the Duke of Newcastle, who, during the time the Reciprocity Treaty was in force, wrote to the governor of Newfoundland "that no act can be allowed which prohibits expressly, or is calculated by a circuitous method to prevent, the sale of bait." (Duke of Newcastle to Sir A. Bannerman, August 3, 1863.)

If such laws as were proposed by the Newfoundland assembly should ever be enacted, it is difficult to see how they could be practically enforced.

American fishermen having the right under the treaty to take fish of all kinds themselves, they must also have the right to hire others to take fish for them. And the British counsel before the Halifax Commission argued that the American fishermen, under the old maxim *que facit per facit per se*, must be considered to have taken the bait themselves when they purchased it of the Newfoundlanders. Under this construction any law prohibiting the sale of bait would be a violation of the treaty rights.

We heard in Newfoundland of no complaints of any trouble between the Americans and the native fishermen this year except in one instance, and that was of no great importance. An American desired to seine squid, and the natives told him they would not allow it; there was no violence of any kind, only some threatening language. We caused statements to be prepared by the captain and one of his crew, and they were given to Mr Molloy, the consul of the United States, to have them sworn to. While we were absent Mr. Molloy, upon his own responsibility, forwarded copies of these statements to the governor of Newfoundland, with a request that an investigation should be made. We have not learned what the result of this investigation was, but Mr. Molloy has probably already forwarded a report to the Department of State.

Very little of the fish cured in Newfoundland is exported to the United States. In 1878, only $168,814 in amount came to the United States from Newfoundland, while the total export of fish to all other countries was $5,588,530.

Leaving St. John's, Newfoundland, on August 27, we reached Halifax, Nova Scotia, upon September 1, stopping one day at Port Mulgrave, in the Gut of Canso. During the Reciprocity Treaty, when many American vessels came to the Gulf, a large business in refitting vessels was

carried on at Port Mulgrave, but now the wharves are deserted and very little seems to be done there.

At Halifax we left the United States steamer Kearsarge, and returned to the United States by land, arriving in Boston on September 7.

In conclusion we desire to express the very great obligations we are under to Commander Picking and the other officers of the United States steamer Kearsarge for their uniform courtesy, and for their kind endeavors to aid us in every way in our investigations.

We have the honor to be, sir, your obedient servants,

FITZ J. BABSON.
ALFRED DWIGHT FOSTER.

[Inclosures.]

1. List of American fishing vessels in the Gulf of St. Lawrence during 1879.
2. Copy of message of the governor of Newfoundland, March 15, 1864.
3. Copy of opinion of the law officers of the Crown, January 6, 1863.
4. Copy of dispatch from the Duke of New Castle to the governor of Newfoundland, August 3, 1863.
5. Copy of letter from Hon. W. L. Marcy, Secretary of State, to the collector of Boston, March 28, 1856.
6. Copy of letter from the governor of Newfoundland to Earl Carnarvon, December 31, 1877.
7. Copy of letter from the governor of Newfoundland to Sir M. Hicks Beach, June 26, 1878.
8. Copy of dispatch from the colonial officer to the governor of Newfoundland, December 25, 1878.
9. Copy of report of the inspectors of salmon fisheries to the colonial office, September 30, 1878.
10. Acts passed to carry into effect the Treaty of Washington.
11. Fishery acts of the Dominion of Canada.
12. Fishery laws of Newfoundland.
13. Depositions in regard to the trouble at Aspie Bay, Cape Breton.

No. 1.

List of American mackerel-fishing vessels in the Gulf of St. Lawrence, 1879.

Date of arrival.	Name and port.	No. of barrels.	Date of departure.
1879.			
June 6	Cayrune, Salem	510	August 1.
6	B. D. Haskins, Gloucester	.....	July 28.
9	E. F. Norwood, Gloucester	330	August 13.
9	F. A. Smith, Gloucester	120	August 14.
9	E. Everett, Gloucester	285	August 1.
11	Marion Grimes, Gloucester	250	July 17.
12	Rattler, Gloucester	400	August 14.
14	T. L. Mayo, Gloucester	.....	August 14.
15	Rushlight, Gloucester	300	August 3.
16	C. L. Dyer, Portland	....	
16	R. J. Evans, Harwichport	320	July 16.
20	Electric Flash, Gloucester	300	August 14.
20	M. L. Wetherell, Gloucester	....	August 14.
20	Venilia, Brooklyn, N. Y	110	July 13.
20	Harvest Home, Gloucester	.....	
20	G. W. Brown, Newburyport	180	August 13.
20	M. E. Torry, Sedgwick, Me	250	July 15.
20	Morning Star, Cohasset	400	August 6.
20	H. M. Crosby, Gloucester	400	August 6.
20	J. H. Perkins, Gloucester	.....	August 14.
20	Ossipee, Gloucester	320	July 20.
22	L. M. Warren, Deer Isle	300	July 25.
22	Idella Small, Deer Isle	225	July 18.
22	Nellie Burnes, Portland	300	July 28.
23	Minnie Weston, Portland	220	August 5.
29	Mystic, Essex	.....	
29	Hattie Clarke, Essex	....	
30	Alice M. Gould, Portland	260	

No. 1.—*List of mackerel-fishing vessels, &c.*—Continued.

Date of arrival.	Name and port.	No. of barrels.	Date of departure.
1879.			
July 3	J. J. Clarke, Gloucester	430	
4	Mantanomah, Newburyport	180	
7	MacLeod, Boston	.....	
8	Isaac Rich, Gloucester	.....	
9	Isabella, Gloucester	250	
15	Mary Fenald, Rockport	370	
15	Flying Cloud, Boston	.....	
19	Crown Point, Newburyport	.....	
20	Aberdeen, Gloucester	.....	
22	Jamestown, Gloucester	.....	
Aug. 2	Adelia Hartwell, Gloucester	.....	
4	C. C. Davis, Boston	.....	
7	Greyhound, Newburyport	.....	
9	Edmund Burke, Newburyport	.....	
9	Sarah E. Babson, Newburyport	.....	
9	C. B. Maning.	.....	

PORT MULGRAVE, *September* 1, 1879.

No. 2.

Message from his excellency the governor of Newfoundland, March 15, 1864.

A. BANNERMAN, GOVERNOR.

In the latter part of the year 1862 reliable information reached the admiral, commander-in-chief on this station, as well as the governor of the colony, that parties possessing fishing privileges on the coast of Newfoundland and Labrador contemplated to disregard laws in existence, or hereafter to be passed by the colonial legislature, for regulating the mode of conducting the fisheries, provided such laws interfered with the mode usually in practice.

The governor considered it to be his duty, therefore, to apprise the colonial minister, requesting instructions for his guidance, in order that the same might be communicated to the admiral.

His Grace, in a despatch dated 2d February, 1863, forwarded to the governor the opinion of the law officers of the crown in England on the question referred to them; and His Grace concludes the despatch by saying:

"I have only to add my desire that while asserting the authority of colonial law in colonial waters, within the limits of existing treaties, you will take care to do so in the manner which is likely to be least offensive to the foreigners who may fall within its scope."

It will be seen from the report of Captain Hamilton, laid before the house of assembly, that in the fishing season of 1863, that gallant officer had no trouble on the question referred to, or any other, during his cruises on the coast of Labrador.

The governor, however, considers it proper that the opinions of the law officers of the crown should be placed on record, and with that view they are herewith sent, and discussions having arisen in regard to the Treaties of 1818 and 1855, he sends authentic extracts from these Treaties, which may be useful as a matter of reference.

GOVERNMENT HOUSE, 15*th March*, 1864.

No. 3.

Opinion of the law officers of the crown, whether United States citizens fishing in waters within the jurisdiction of Newfoundland are bound to obey and legally punishable for disregarding the laws and regulations enacted by the colonial legislature.

TEMPLE, *January 6th*, 1863.

MY LORD DUKE: We are honored with Your Grace's commands, signified in Sir F. Rogers' letter of the 17th December, ulto., stating that he was directed by Your Grace to request that we would favor you with our opinion upon the following question:

"That by a treaty between Great Britain and the United States of America, dated October 20th, 1818 (Hentslett II, p. 392), it was provided *inter alia* that the inhabit-

ants of the United States should forever have the liberty to take fish on the coasts of Newfoundland (as therein described) in common with the subjects of Her Britannic Majesty."

That this privilege was extended to the coasts of Canada, New Brunswick, Nova Scotia, and Prince Edward Island, and the several islands thereto adjacent (Hentslett IX, p. 999), and acts were passed by the different colonies (Hentslett X, p. 648, 649, 651, 652, 653) to give effect to the treaty, and especially to suspend the laws of the different colonies which were inconsistent with the terms or spirit of the treaty.

Sir Frederick Rogers was also pleased to state that Your Grace desired to be informed whether inhabitants of the United States fishing in waters within the jurisdiction of the legislature of Newfoundland, or of any other of the above-mentioned colonies, are bound to obey and legally punishable for disregarding the laws or regulations enacted by or under the authority of the respective provincial legislatures, for the conduct of the fisheries; and that Your Grace presumed that such laws would only extend to waters situated within a marine league of the coast of the colony, which (in the case of Newfoundland to which this question especially relates) are defined by the governor's commission, from which an extract was annexed.

Sir Frederick Rogers was further pleased to enclose an extract from a report addressed to Sir A. Bannerman, by the officer employed on the coast of Newfoundland, copies of a letter from Sir Alexander Milne, transmitting that report to the Lords Commissioners of the Admiralty, and of a letter addressed to the Colonial Department by direction of their Lordships.

These papers would explain the object with which the present question was asked.

In obedience to Your Grace's commands, we have taken these papers into consideration, and have the honor to report:

That, in our opinion, inhabitants of the United States, fishing within waters of the territorial jurisdiction of the legislature of Newfoundland, or of any other of the above mentioned colonies, are bound to obey, and are legally punishable for disregarding the laws and regulations for the conduct of the fisheries enacted by, or under the authority of, the respective provincial legislatures. The plain object of the treaties above referred to was to put the inhabitants of the United States as regards the "liberty to take fish" within the parts (described) of the British dominions, on the same footing as "subjects of Her Britannic Majesty,"—"in common with whom" in the terms of the treaties, such liberty was to be enjoyed.

The enactments subsequently passed did but confirm the treaties and provide for the suspension during the operation of those treaties, of such laws, &c., as were or would be inconsistent with the terms and spirit of the treaties; which "terms and spirit" are, it appears to us, in no respect violated by regulations *bona fide* made for the government of those engaged in the fishing, and applicable to British subjects so employed.

We think, at the same time, that this British authority, as regards the inhabitants of the United States, can be exercised within those limits only within which the treaty-rights were conferred; in other words, within which, but for the treaties, those inhabitants could not have insisted on their right to fish.

These limits may be safely taken on the main ocean as extending to three miles (or a marine league) from the beach seawards; but there will remain possibly the cases of bays and other inlets lying between headlands and other points of the mainland, the whole of which may be territorial, and subject to the ordinary municipal jurisdiction, to which the mainland owes obedience.

Beyond this we conceive that the matters to be considered are matters rather of fact than of law.

We have, &c., &c.,

W. ATHERTON.
ROUNDELL PALMER.

His Grace THE DUKE OF NEWCASTLE.

No. 4.

Copy of a despatch from the secretary of state for the colonies in reply to a request from the governor that the copy of a draft bill for regulating the fisheries may be looked over, and any parts pointed out, such as probably might not be sanctioned by the crown.

DOWNING STREET, 3*rd August*, 1863.

SIR: I have the honor to acknowledge the receipt of your despatch No. 34 of the 29th June, enclosing a printed copy of the proceedings of a committee appointed to enquire into the state of the fisheries of Newfoundland, together with a draft bill framed with a view to their proper regulation, and requesting that the provisions of

this draft bill may be looked over, and any parts of it pointed out, such as probably might not be sanctioned by the crown if it were passed.

2. I apprehend that it is not your expectation that I should express an opinion respecting the practical modes of conducting those fisheries, it being plain that the inhabitants of Newfoundland are or ought to be best capable of judging what regulations are calculated to increase the productiveness of their own seas, and with respect to imperial interests I do not think it desirable to anticipate that close inquiry to which any act passed upon this matter must be subjected, in order to ascertain that it does not infringe upon the right guaranteed to foreigners or run counter to any principle of imperial policy.

3. The observations which suggest themselves to me, however, on the perusal of the draft bill are—

1st. That if any misconception exists in Newfoundland respecting the limits of the colonial jurisdiction, it would be desirable that it should be put at rest by embodying in the act a distinct settlement that the regulations contained in it are of no force except within three miles of the shore of the colony.

2nd. That no act can be allowed which prohibits expressly, or is calculated by a circuitous method to prevent the sale of bait.

3rd. That all fishing acts shall expressly declare that their provisions do not extend or interfere with any existing treaties with any foreign nation in amity with Great Britain.

4th. That, in any part of the colonial waters, it would be highly unjust and inconvenient to impose upon British fishermen restrictions which could not, without violating existing treaties, be imposed upon foreigners using the same fisheries. On this point, however, I would refer you to my despatch, marked "confidential," of the 2nd of February.

I have, &c., &c.,

NEWCASTLE.

Governor SIR A. BANNERMAN.

DEPARTMENT OF STATE,
Washington, April 10, 1856.

To the Collector of the Customs at ——, ——:

SIR: I herewith transmit to you —— printed copies of a circular letter addressed by this department to the collector of the customs at Boston on the 28th ultimo, concerning the fisheries on the coasts of the British North American Provinces, which circular you will be pleased to regard as having been addressed directly to yourself, and accordingly communicate copies thereof to the masters of such fishing vessels as belong to your port.

I am, &c., &c., &c.,

W. L. MARCY.

[Circular.]

Mr. Marcy to Mr. Peaslee.

DEPARTMENT OF STATE,
Washington, March 28, 1856.

SIR: It is understood that there are certain acts of the British North American Colonial legislatures, and also, perhaps, executive regulations, intended to prevent the wanton destruction of the fish which frequent the coasts of the colonies, and injuries to the fishing thereon.

It is deemed reasonable and desirable that both United States and British fishermen should pay a like respect to such laws and regulations, which are designed to preserve and increase the productiveness of the fisheries on these coasts. Such being the object of these laws and regulations, the observance of them is enjoined upon the citizens of the United States in like manner as they are observed by British subjects. By granting the mutual use of the inshore fisheries, neither party has yielded its rights to civil jurisdiction over a maritime league along its coast. Its laws are as obligatory upon the citizens or subjects of the other as upon its own. The laws of the British Provinces not in conflict with the provisions of the Reciprocity Treaty would be as binding upon citizens of the United States within that jurisdiction as upon British subjects. Should they be so framed or executed as to make any discrimination in favor of the British fisherman, or to impair the rights secured to American fishermen by that treaty, those injuriously affected by them will appeal to this government for redress. In presenting complaints of this kind, should there be cause

for doing so, they are requested to furnish the Department of State with a copy of the law or regulation which is alleged injuriously to affect their rights or to make an unfair discriminatio n between the fishermen of the respective countries, or with a statement of any supposed grievance in the execution of such law or regulation, in order that the matter may be arranged by the two governments.

You will make this direction known to the master of such fishing vessels as belong to your port, in such manner as you may deem most advisable.

I am, &c.,

W. L. MARCY.

It is believed that the principal regulations referred to above are the following, from the Revised Statutes of New Brunswick, Vol. 1, Title 22, chapter 101:

"7. The wardens of any county shall, when necessary, make out and designate, in proper positions, 'gurry grounds,' putting up notices thereof, describing their limits and position, in the several school-houses and other most public places in the parishes where the gurry grounds are marked out, publishing the like notice in the Royal Gazette; and no person after such posting and publication shall cast overboard from any boat or vessel the offal of fish into the water at or near the said parish at any place except the said gurry grounds."

"12. Within the parishes of Grand Manan, Campo Bello, Pennfield, and St. George, in the county of Charlotte, no seine or net shall be set across the mouth of any haven, river, creek, or harbor, nor in such place extending more than one-third the distance across the same, or be within forty fathoms of each other; nor shall they be set within twenty fathoms of the shore at low-water mark."

"15. No herrings shall be taken between the 15th day of July and the fifteenth of October in any year on the spawning-ground at the head of Grand Manan, to commence at the eastern part of Seal Cove, at a place known as Red Point, thence extending westerly along the coast and around the southern head of Bradford's Cove about five miles, and extending one mile from the shore. All nets or engines used for catching herring on the said ground within that period shall be seized and forfeited, and every person engaged in using the same shall be guilty of a misdemeanor and punished accordingly."

No. 6.

[Despatches and correspondence in referrence to the traffic in bait and ice.]

Governor Sir John H. Glover to Earl Carnarvon.

GOVERNMENT HOUSE, 31*st December*, 1877.

MY LORD: I have the honor to enclose a minute of my executive council, giving their opinion as to the injurious resnlts to the fisheries of Newfoundland from the barring for bait for exportation, as pointed out in the senior naval officer's report enclosed in your lordship's despatch No. 68.

2. At the same time, my ministers, in anticipation of legislative action upon this important subject, deem it advisable to request me to have it brought under your lordship's consideration before the next session, which annually meets near the end of January.

3. From the admission of the Americans to rights of fishery on this coast under the Washington Treaty, more difficulty will be experienced than heretofore in the carrying out of the local acts regulating the taking of herring; but with additional steam aid it is hoped that more efficient protection will be afforded in those parts where breaches of the law will probably occur.

4. There is a strong feeling extant against the American fishermen, who this year with numerous vessels visited many of the fishing stations, before free from their intrusions, their chief object being to procure fresh bait and ice, which they did in large quantities, for their bankers, to the alleged injury of our inshore fishermen. This year there has been in several places a failure in the fishery, which to a large extent is attributed to this American interference.

5. The effect of the recent decision at Halifax, as reported, disallows this traffic under the treaty, and from the opinion prevailing my ministers surmise that more stringent legislation will be demanded effectually to check this traffic than at present exists, and that a large majority in the legislature on both sides will press for the adoption of such a policy.

6. Should such be insisted upon it appeared probable to my ministers that it would embrace prohibition to colonial fisherman to supply or aid in supplying, or to export, fresh bait, which would in that respect apply equally to the French with the Americans, but the latter would have the advantage of taking for themselves if they pleased

to do so; and it is conceived that the exercise of this right would not be so prejudicial as the practice that has lately existed in taking away the colonial fishermen from their own fishing to procure a supply of bait and ice for the Americans.

7. It may be safely asserted that with the experience derived from the operation of the Washington Treaty there would be no probability of the legislature extending the concession to fish in our own waters.

I have, &c., &c.

JOHN H. GLOVER.

No. 7.

Governor Sir John H. Glover to Sir M. Hicks Beach.

GOVERNMENT HOUSE, 26*th June*, 1878.

SIR: I have the honor to enclose for your consideration a copy of an address from the house of assembly, accompanied by the report of a select committee of the house, and evidence taken on the subject of the traffic in bait and ice, and its effect on the codfishery of the country.

2. I would observe that this address and report represent a very strong opinion prevailing generally throughout the colony on the matters in question, and it is hoped that Her Majesty's Government may find themselves able to comply with the wishes expressed in the address, and to enforce the provisions of the convention and act therein mentioned.

3. It was at first proposed in the legislature that a special act should be passed to prohibit the traffic, and the alternative of the present address was adopted at the suggestion of the government, who thought it the most expedient course of action.

I have, &c., &c.,

JOHN H. GLOVER.

No. 8.

The colonial office to Sir John H. Glover.

DOWNING STREET, 25*th December*, 1878.

SIR: I duly received your despatch No. 56 of the 25th June, in which you forwarded a report (with evidence) of a select committee of the house of assembly of Newfoundland, relating to the traffic in bait and ice, which is carried on in the colony with fishermen of the United States to an extent which is represented as having a very injurious effect upon the fishery.

2. I have considered the address of the house of assembly, founded on that report, respecting the opinion that this traffic should be prohibited, and urging that directions may be given for causing the provisions contained in the convention with the United States of America of 1818, and the imperial act 59, Gro. 3, cap. 38, to be put in operation, with the object of carrying such prohibition into effect.

3. This matter was previously brought to the notice of my predecessor in your despatch No. 104 of the 31st of October, 1877, to which he replied on the 7th of January of this year.

4. I thought it advisable on the receipt of your despatch, now under acknowledgment, to take the opinion, in the first instance, of the inspectors of salmon fisheries in this country, as to whether the reported deterioration of the bait fisheries might not be met by some general regulations for their prevention.

5. I enclose a copy of the report which I have received in reply.

6. It will be perceived that the general conclusion of the inspectors, who are gentlemen of large experience in such matters, is to the effect that *the operations of man have but a very slight effect upon the supply of herring*, and that, with the experience of this country before them, they doubt the necessity of any legislation for the protection of herring; that they doubt the propriety of interfering under any circumstances with the capture of bait, as well as the possibility of making any regulation which would be effectual, applicable to the territorial waters of a single country, and that, reasoning from analogy, they would hesitate to advise the adoption of any regulations for the preservation of caplin or squid.

7. You will notice, in addition to these general conclusions, the observations of the inspectors as to the regulations which were established on the northwest coast of Scotland, which operated with considerable hardship to the fishermen, without there being apparently any increase in the number of fish, and which gradually fell into disuse and were subsequently repealed.

8. With this report before them, Her Majesty's Government cannot but feel uncer-

tain whether any failure in the bait fishery of Newfoundland would be remedied by the adoption of the measures proposed by the house of assembly, and whether the practice which is complained of, and which it is sought to prohibit, has been sufficiently proved to have diminished the actual quantity of bait visiting the coast; although the increased competition of the Americans may have made it less easy for the local fishermen to secure the bait they require for their own fishing.

9. But, apart from this view of the question, Her Majesty's Government deem the present moment inopportune to effect any such change in practice, as that which it is desired should be established; they are giving their most careful consideration to the whole question of the fisheries, both as regards United States subjects and the subjects of France, and they feel that a satisfactory solution of the several important points at issue might be considerably hindered by action in the direction suggested by the assembly.

10. You will be so good as to communicate this despatch to your government.

I have, &c., &c.,

M. HICKS BEACH.

No. 9.

Inspector of salmon fisheries to colonial office.

HOME OFFICE, *September* 30, 1878.

SIR: We have the honor to acknowledge the receipt of your letter of the 5th instant, enclosing by direction of Secretary Sir Michael Hicks Beach a copy of a despatch from the governor of Newfoundland, with an address from the house of assembly "relating to the deterioration of the bait fisheries of Newfoundland, and the measures proposed to be taken to remedy this evil."

Sir Michael Hicks Beach is so good as to ask us whether, without entering into a consideration of the course recommended by the house of assembly of Newfoundland, we could suggest any general regulations applicable to fishermen of whatsoever nationality for the preservation of the bait.

The term "bait," as it is used in the papers which have been sent to us, appears to comprise three distinct things—herring, caplin, and squid.

Herring appear to be used as bait for cod in the early part of the season, squid during the summer and autumn, and caplin during the other portions of the year.

The caplin (*Mallotus villosus*) is nearly allied to the smelt, but it is not met with in British waters. We have therefore no personal information respecting this fish. Squid are, we believe, occasionally used as bait in this country, but their use is only occasional, and we have no personal experience regarding them.

As, therefore, Sir M. Hicks Beach has asked us to furnish him with such suggestions as our experience may enable us to make in regard to bait, and as our experience does not extend either to caplin or to squid, we conceive that we shall be complying strictly with his wish by confining our observations to herring.

Herrings, usually immature or "spring" herrings, are largely used by line fishermen as bait, both in England and Scotland.

During a portion of the year the line fishermen are mainly dependent on the herrings as bait.

A few years ago Parliament imposed a close season for herrings on the west coast of Scotland. The close season extended to herrings taken both for food and for bait; it is admitted to have occasioned considerable hardship to the fishermen; it does not appear to have been attended with any increase in the number of herring; it gradually fell into disuse, and so far as the northwest of Scotland is concerned it was repealed; so far as the southwest of Scotland is concerned, it ceased to be observed.

A great many persons locally interested in the Scotch herring fisheries are desirous of re-enacting this close season, or for taking some other means for the increase of the herrings, but they are unanimous, or almost unanimous, in saying that this close season or these regulations must not apply to herrings taken for bait.

With the experience of previous legislation before them, they are satisfied that no restrictions whatever must be imposed upon the capture of herrings for bait.

We may say that similar conclusions were expressed to us during our inquiry into the crab and lobster fisheries of Great Britain. Many of the most experienced fishermen we found desired that some well-considered regulations should be made for the development of these fisheries. But nearly every fisherman considered that these regulations should not in any case apply to the crabs taken for bait.

Their argument seemed to us, we may add, perfectly sound.

Bait is of such importance to the fishermen, and in certain seasons and in certain places so difficult to be got, that we should in this country, at any rate, strongly dissent from any regulations which might interfere with its capture.

So far, then, as the mere question of bait is concerned, we doubt the propriety of any regulations interfering with its capture. But we also doubt the necessity, we doubt the possibility of any operations of man interfering with the stock of herrings in the sea.

The allegation that the stock of herrings is materially reduced by the operations of the net fishermen has been constantly made in various parts of the kingdom. But notwithstanding the constant increase of netting, the annual number of herrings taken by man has been continually and regularly increasing. Though the quantity of herrings taken off the Scotch coasts is now ten times greater than it was fifty years ago, there are no indications that this prodigious increase in their capture has made any impression on the stock of herrings in the sea.

It is true that there are some reasons for thinking that the increase of netting has prevented the herrings from entering some of the inland locks which used to be frequented by them; there is at any rate no doubt that herrings have deserted, or partially deserted, certain portions of the coast which were previously frequented by them.

But, in the first place, it is not absolutely clear that their desertion of such portions of the coast has been due to the operations of man; and in the second place, it is not clear that, if it be so due, any regulations which could easily be made would obviate the evil.

It is not clear that the desertion of certain portions of the coast by the herrings is due to the operations of man, (1) because it is a well known and ascertained fact that fish do desert certain places for a long series of years, whether they are netted or not, and (2) because it has also been ascertained that they have not been driven from other portions of the coast by unrestricted netting.

Even if the herring deserted certain portions of the coast in consequence of the excess of netting, it is not easy to see how any regulations which man could make would obviate the evil.

The regulations which man could make, or at any rate which any single nation could make, must necessarily apply to the territorial waters of that country; but herrings are just as easily taken ten miles from the shore, or even fifty miles, as well as within three miles of it.

The greater number of herrings are, in fact, taken more than ten miles from the land, and it is the almost universal opinion of fishermen that the operations of man have a greater effect in breaking up the shoals out at sea a long distance from land than close to the shore.

Regulations, therefore, applicable to the territorial waters would have the effect of driving the fishery further from the shore. They would have no other effect whatever.

Writing, then, simply with the experience of this country before us, we doubt the necessity of any legislation for the preservation of herrings; we doubt the propriety of interfering under any circumstances with the capture of bait; and we doubt the possibility of making any regulations which would be effectual, applicable to the territorial waters only of a single country.

Reasoning only from analogy, we should also hesitate to adopt any regulations for the preservation of caplin or of squid; but as on these points we have no experience, we do not venture to pronounce a positive opinion on them.

Sir Michael Hicks Beach will observe that we have confined the preceding observations strictly to the point on which he has asked our opinion, viz, the possibility of making any regulations applicable to all fishermen of whatsoever nationality for the preservation of bait.

There are other points connected with these papers, such as the relative values of the cod and bait fisheries to the Newfoundland fishermen, or the difficulty of allowing the sale of a fish three miles from shore, the sale of which was illegal within three miles from the shore, on which we forbear from making any observations whatever.

We venture, in forwarding this reply, to transmit with it copies of our report (1) on the herring fisheries of Scotland, (2) on the crab and lobster fisheries of Great Britain, in which many of the arguments which we have summarized in this letter are stated more fully, and we have only to add that if there is any other point on which Sir Michael Hicks Beach desires information, and in which it may be in our power to assist him, it will afford us much pleasure to do so.

We have, &c., &c.,

FRANK BUCKLAND,
S. WALPOLE,
Inspectors of Salmon Fisheries.

No. 10.

AN ACT to carry into effect a treaty between Her Majesty and the United States of America.

(Imperial Parliament, 6th August, 1872.)

AN ACT relating to the Treaty of Washington, 1871.

(Canadian Parliament, 14th June, 1872.)

35 AND 36 VICTORIA.

A. D. 1872. CHAP. XLV.—AN ACT to carry into effect a treaty between Her Majesty and the United States of America.

(6th August, 1872.)

Whereas a treaty between Her Majesty and the United States of America was signed at Washington on the eighth day of May, one thousand eight hundred and seventy-one, and was duly ratified on the seventeenth day of June of that year, which, amongst other things, contained the articles set out in the schedule of this act:

And whereas an act intituled "An act relating to the Treaty of Washington, 1871," has been passed by the Parliament of Canada for the purpose of carrying into operation the said articles;

And whereas an act intituled "An act relating to the Treaty of Washington, 1871," has been passed by the legislature of Prince Edward's Island, for the purpose of carrying into operation the said articles;

And whereas the Congress of the United States of America have not as yet passed any act for carrying into operation on the part of the United States the said articles;

And whereas it is expedient to make provision by act of Parliament for carrying into operation the said articles;

Be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Suspension of acts at variance with articles.

1. As soon as the law required to carry into operation, on the part of the United States of America, the articles set out in the schedule to this act has been passed by the Congress of the United States and come into force, all acts of Parliament and laws which operate to prevent the said articles from taking full effect shall, so far as they so operate, be suspended and have no effect during the period mentioned in the article numbered thirty-three in the schedule to this act.

Provision for extension of articles to Newfoundland.

2. Whenever the necessary laws have been passed by the legislature of Newfoundland and approved by Her Majesty for carrying into operation the articles in the schedule to this act, so far as they relate to Newfoundland, it shall be lawful for the officer administering the government of Newfoundland at any time during the suspension, in pursuance of this act, of the above-mentioned acts of Parliament, and laws by his proclamation to declare that after a time fixed in such proclamation for that purpose, this act and the articles in the schedule to this act shall extend, and the same accordingly shall extend to Newfoundland so far as they are applicable thereto.

Short title.

3. This act may be cited as "The Treaty of Washington Act, 1872."

(NOTE.—For schedule, see Treaty of Washington in vol. of statutes of Canada, 35 Vict., A. D. 1872.)

ANNO TRICESIMO-QUINTO VICTORIÆ REGINÆ.

CAP. I.—AN ACT to amend the act respecting the statutes of Canada.

(Assented to 14th June, 1872.)

Preamble.

Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Clerk of the Parliaments to have the custody of original acts of Parliament and of certain late legislatures, and of reserved bills.

1. All the original acts passed by the legislatures of the late provinces of Upper or Lower Canada, or of the late province of Canada, transferred to and deposited of record in the office of the clerk of the Senate, and also all original acts of the Parliament of Canada heretofore assented to, or hereafter to be assented to by the governor-general, and all bills reserved for the signification of the Queen's pleasure, and assented to or disallowed by the Queen in council, shall be and continue to remain of record in the custody of the clerk of the Senate of Canada, and such clerk, as custodian thereof, shall be known and designated as "The clerk of the Parliaments." And every thing now required by the act intituled: "An act respecting the statutes of Canada," or by any other act of the Parliament of Canada, to be done by the clerk of the Senate, as custodian of the said acts or any of them, shall be done by the clerk of the Parliaments.

Clerk of the Parliaments to have and use a seal of office.

2. The clerk of the Parliaments shall have a seal of office, and shall affix the same to certified copies of all acts intended for the governor-general or the registrar-general of Canada or required to be produced before courts of justice, either within or beyond the limits of the Dominion of Canada, and in any other case when the said clerk may deem it expedient.

Certified copies of acts to be held to be duplicate originals.

3. All copies of the acts above referred to, so certified by the clerk of the Parliaments, shall be held to be duplicate originals, and also to be evidence, as if printed under the authority of Parliament by the Queen's printer, of such acts and of their contents.

Bound copy of statutes of Canada, and copies of reserved bills duly certified, to be delivered to the governor, and bound copy to registrar-general.

4. As soon as practicable after the prorogation of every session of Parliament, the clerk of the Parliaments shall obtain from the Queen's printer a sufficient number of bound copies of the statutes of Canada passed during such session of Parliament, and shall deliver to the governor-general one copy duly certified, for transmission to one of Her Majesty's principal secretaries of state, as required by the British North American act, 1867, together with certified copies of all bills reserved for the signification of the Queen's pleasure, and one like copy of the said acts in the English and French languages to the registrar-general of Canada.

Certified copies of acts to be furnished on application.

5. The clerk of the Parliaments shall also furnish certified copies of any of the acts above mentioned to any public officer or party applying for the same; and upon all such copies the said clerk of the Parliaments shall, before delivering the same to such officer or party, receive from such party a fee at the rate of ten cents for every hundred words in the certified copy and certificate; and all sums so received by him shall form part of the contingent fund of the Senate.

Copies for public service.

6. All certified copies required for the public service shall be obtained from the clerk of the Parliaments through the secretary of state of Canada.

Certificate to be inserted at the foot of every copy of act required to be certified.

7. The clerk of the Parliaments shall insert at the foot of every such copy so required to be certified, a written certificate, duly signed and authenticated by him, to the effect that it is a true copy of the act passed by the Parliament of Canada, or by the legislature of the late province of Canada, or of the late province of Upper Canada or Lower Canada (*as the case may be*) in the session thereof held in the year of H. M. reign, and assented to in Her Majesty's name, by the governor-general, or (*as the case may be*), on the day of , or reserved for the signification of Her Majesty's pleasure thereon, and assented to by Her Majesty in council, on the day of .

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lating to the Treaty of Washington, 1871.

(Assented to 14th June, 1872)

Preamble.

Whereas by article thirty-three of the treaty between Her Majesty and the United States of America, signed at the city of Washington on

the eighth day of May, 1871, it is provided that articles eighteen to twenty-five, inclusive, relating to the fisheries, shall take effect as soon as the laws required to carry them into operation shall have been passed by the Imperial Parliament of Great Britain, by the Parliament of Canada, and by the legislature of Prince Edward's Island, on the one hand, and by the Congress of the United States on the other, and that such assent having been given, the said articles shall remain in force for the term of years mentioned in the said article thirty-three; and whereas it is expedient that the laws required to carry the said treaty into effect, as respects Canada, should be passed by the Parliament of the Dominion: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Certain acts suspended as regards United States vessels and citizens engaged in taking fish (except shell-fish) on coasts of Quebec, Nova Scotia, and New Brunswick.

1. The act of the Parliament of Canada, passed in the thirty-first year of Her Majesty's reign, chapter sixty-one, intituled "An act respcting fishing by foreign vessels"; and the act of the said Parliatmen, passed in the thirty-third year of Her Majesty's reign, chapter fifteen, intituled: "An act to amend the act respecting fishing by foreign vessels"; and the act of the said parliament, passed in the thirty-fourth year of Her Majesty's reign, chapter twenty-three, intituled: "An act further to amend the act respecting fishing by foreign vessels"; and the ninety-fourth chapter of the Revised Statutes of Nova Scotia (third series), intituled: "Of coast and deep sea fisheries"; and the act of the legislature of Nova Scotia, passed in the twenty-ninth year of Her Majesty's reign, chapter thirty-five, amending the same; and the act of the legislature of New Brunswick, passed in the sixteenth year of Her Majesty's reign, chapter sixty-nine, intituled "An act relating to the coast fisheries, and for the preventing of illicit trade," so far as the said acts of the legislatures of Nova Scotia and New Brunswick, respectively, apply to any case to which the said acts of the Parliament of Canada apply, shall be, and are hereby, suspended as respects vessels and inhabitants of the United States of America engaged in taking fish of every or any kind, except shell-fish, on the sea-coasts and shores, and in the bays, harbours, and creeks of the provinces of Quebec, Nova Scotia, and New Brunswick, as shall also all acts, laws, or regulations (if any) over which the Parliament of Canada has control, which would in any wise prevent or impede the full effect of the said article eighteen.

Fish and fish-oil from United States fisheries to be free.

2. Fish-oil and fish of all kinds (except fish of the inland lakes and of the rivers falling into them, and except fish preserved in oil) being the produce of the fisheries of the United States, shall be admitted into Canada free of duty.

Transit of goods through Canada in bond.

3. Goods, wares, and merchandize arriving at any of the ports of Canada, and destined for the United States of America, may be entered at the proper custom-house, and conveyed in transit, without the payment of duties, through Canada, under such rules, regulations, and conditions for the protection of the revenue as the governor in council may from time to time prescribe; and under like rules, regulations, and conditions, goods, wares, and merchandize may be conveyed in transit, without payment of duties, from the United States through Canada, to other places in the United States, or for exports from ports in Canada.

Carriage of goods in United States' vessels from one part of Canada to another, conditionally.

4. Citizens of the United States may carry in United States' vessels, without payment of duty, goods, wares, and merchandize from one port or place in Canada to another port or place in Canada, provided that a portion of such transportation is made through the territory of the United States by land carriage, and in bond, under such rules and regulations as may be agreed upon between the Government of her Majesty, and the Government of the United States.

When this act shall come into force.

5. The foregoing sections of this act shall come into force upon from and after a day to be appointed for that purpose by a proclamation based upon an order of the governor in council, and shall remain in force during the term of years mentioned in article thirty-three of the said treaty.

No. 11.

[31 Vict., Chap. 60, &c., &c.]

DOMINION OF CANADA.

THE FISHERY ACTS.

By a proclamation of the governor-general, dated October 7, 1875, the fishery acts were extended to Prince Edward Island.

Regulations of the governor general in council, adopted from time to time under these acts, are printed separately for action in the different localities to which they apply, after publication in the Canada Gazette.

31 VICTORIA.

CHAP. 60.—AN ACT for the regulation of fishing and protection of fisheries.

(Assented to 22nd May, 1868.)

Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows: Preamble.

FISHERY OFFICERS.

1. The governor may appoint fishery officers, whose powers and duties shall be defined by this act and the regulations made under it, and by instructions from the department of marine and fisheries; and every officer so appointed under oath of office, and instructed to exercise magisterial powers, shall be *ex-officio* a justice of the peace for all the purposes of this act and the regulations made under it, within the limits for which he is appointed to act as such fishery officer. Fishery officers to be appointed. Powers and duties.

2. Each fishery officer shall take and subscribe the following oath: Oath of office.

"I, A. B., a fishery officer in and for the district described in my appointment, do solemnly swear that to the best of my judgment I will faithfully, honestly, and impartially fulfil, execute, and perform the office and duty of such officer, according to the true intent and meaning of the fisheries act and regulations, and in accordance with my instructions. So help me God." Form.

FISHERY LEASES AND LICENSES.

2. The minister of marine and fisheries may, where the exclusive right of fishing does not already exist by law, issue or authorize to be issued fishery leases and licenses for fisheries and fishing wheresoever situated or carried on; but leases or licenses for any term exceeding nine years shall be issued only under authority of an order of the governor in council. Fishery leases and licenses. If for more than nine years.

DEEP-SEA FISHERIES.

3. Every subject of Her Majesty may use vacant public property, such as by law is common and accessory to public rights of fishery and navigation, for the purposes of landing, salting, curing, and drying fish, and may cut wood thereon for such purposes, and no other person shall occupy the same station, unless it shall have been abandoned by the first occupant for twelve consecutive months; and at the expiration of that period any new occupier shall pay the value of flakes and stages, and other property thereon of which he may take possession, or the buildings and improvements may be removed by the original owner; and all subjects of Her Majesty may take bait or fish in any of the harbors or roadsteads, creeks or rivers, subject always, and in every case, to the provisions of this act as affects the leasing or licensing of fisheries and fishing stations; but no property leased or licensed shall be deemed vacant. As to right to use vacant public property for fishing purposes, and as to taking bait, &c. Proviso.

COD FISHERY.

4. No one shall use mackerel, herring, or caplin seines for taking codfish, and no codfish seine shall be of a less sized mesh than four Nets for taking cod.

inches in extension in the arms, and three inches in the bunt or bottom of the seine.

WHALE FISHERY.

Whales, &c., not to be killed by rockets or shells. Penalty.

5. Whales, seals, and porpoises shall not be hunted or killed by means of rockets, explosive instruments, or shells, under a penalty not exceeding three hundred dollars, or at least three months, and not exceeding six months, imprisonment in default of payment.

SEAL FISHERY.

Sedentary fisheries not to be disturbed.

6. During the time of fishing for seals no one shall, with boat or vessel, knowingly or wilfully, disturb, impede, or injure any sedentary seal fishery, nor prevent, hinder, or frighten the shoals of seals coming into such fishery, under a penalty not to exceed sixty dollars for each offense, or imprisonment in default of payment not exceeding one month; the defendant, being also liable for damages, to be adjudged by any fishery officer or other magistrate before whom the injured party may complain.

Penalty.

Disputes as to seal fisheries, how settled.

2. Disputes between occupiers of seal fisheries concerning limits and the mode of fishing or setting nets shall be decided summarily by any fishery officer or other magistrate, on the report of arbitrators, and any damages assessed or accrued, or that may afterwards arise out of a repetition or continuance of the difficulty ordered to be remedied, may be levied under the warrant of any fishery officer or other magistrate.

SALMON FISHERY.

Close season for salmon.

7. Salmon shall not be fished for, caught, or killed between the thirty-first day of July and the first day of May, in the provinces of Ontario and Quebec, and in the River Restigouche, and between the fifteenth day of August and the first day of March in the province of New Brunswick: *Provided always*, That it shall be lawful to fish for, catch, and kill salmon with a rod and line, in the manner known as fly-surface fishing, between the thirtieth day of April and the thirty-first day of August, in the provinces of Ontario and Quebec, and between the first day of March and the fifteenth day of September, in the province of New Brunswick.

Proviso as to fly-surface fishing.

In Nova Scotia.

2. Salmon shall not be fished for, caught, or killed in the province of Nova Scotia, save as provided and authorized by the laws now in force in that province.

Foul Salmon.

3. Foul or unclean salmon shall not be at any time caught or killed.

Fry, parr, or smolt not to be killed.

4. Salmon fry, parr, and smolt shall not be at any time fished for, caught, or killed, and no salmon or grilse of less weight than three pounds shall be caught or killed; but where caught by accident in nets lawfully used for other fish they shall be liberated alive at the cost and risk of the owner of the fishery, on whom shall in every case devolve the proof of such actual liberation.

Size of meshes of salmon nets.

5. Meshes of nets used for capturing salmon shall be at least five inches in extension, and nothing shall be done to practically diminish or nullify their size.

Use of nets regulated.

6. The use of nets or other apparatus which capture salmon shall, except in the provinces of Nova Scotia and New Brunswick, be confined to tidal waters, and any fishery officer may determine the length and place of each net or other apparatus used in any of the waters of the Dominion: *Provided*, That nothing contained in this section shall prevent the use of nets for catching salmon in the lakes of the province of Ontario, nor preclude the minister from authorizing, by special fishery licenses or leases, the capture of salmon by nets in fresh-water streams.

Proviso as to Ontario, &c.

Boundaries of estuary fishing to be defined. Penalty for fishing above limits, except with a rod and line, &c.

7. The minister, or any fishery officer authorized to such effect, shall have power to define the tidal boundary of estuary fishing for the purposes of this act; and above the actual limit so to be laid down it shall be unlawful, without the special fishery lease or license above provided for, to fish for salmon, except with a rod and line, in the manner known as fly-surface fishing, under a penalty not to exceed one hundred dollars, and imprisonment in default of payment for any term not exceeding two months.

Distance of nets apart, &c.

8. All nets, or other lawful appliances which capture salmon, shall be placed at distances of not less than two hundred and fifty yards

apart, without intermediate fishing materials of any kind being set or used in and about any other part of the stream, and drifting for salmon shall be illegal.

9. Any fishery officer may prescribe either in writing or orally on sight if deemed necessary, a further distance apart to be left between salmon nets, or other fishing apparatus, and their dimensions and extension; but gill or float nets shall not be used to lengthen, extend, or enlarge any other kind of fishery. Further distance may be prescribed. Proviso.

10. No salmon shall be captured within two hundred yards of the mouth of any tributary, creek, or stream which salmon frequent to spawn. As to spawning rivers.

11. Except in the manner known as fly-surface fishing with a rod and line, salmon shall not be fished for, caught, or killed at any artificial pass or salmon leap, nor in any pool where salmon spawn. Mode of killing at certain places.

12. Except under the authority and for the special purpose provided for in this act, no one shall take, buy, sell, destroy, use, or possess any salmon roe, nor injure any spawning-bed. Salmon spawn.

LAKE AND RIVER TROUT FISHERY.

8. It shall not be lawful to fish for, catch, or kill any kind of trout (or "lunge") in any way whatever between the first day of October and the first day of January; and no one shall at any time fish for, catch, or kill trout by other means than angling by hand with hook and line, in any inland lake, river, or stream, except in tidal waters: *Provided always*, That as affecting the waters of the province of Ontario such prohibitions shall apply only to the kind known as "speckled trout." Not to be killed in certain ways and at certain seasons. Proviso. Speckled trout.

2. Nothing in the above clause shall prevent the use of small-sized trout for the *bona-fide* purpose of baiting traps, nor affect the taking and using the same by fishermen as bait for codfishing in tidal waters, nor subject them to penalty if by accident in *bona-fide* fishing for herrings or white-fish by means of nets trout shall become inclosed or taken. Exceptions as to fish used for bait, &c.

WHITE-FISH AND SALMON TROUT FISHERY.

9. It shall not be lawful to fish for or catch white-fish in any manner between the nineteenth day of November and the first day of December, nor by means of any kind of seine, between the thirtieth day of May and the first day of August, in the province of Ontario, or between the thirty-first day of July and the first day of December in the province of Quebec, nor shall the fry of the same be at any time destroyed. Close season for white-fish.

2. Gill nets for catching salmon trout or white-fish shall have meshes of at least five inches extension measure, and gill nets will not be set within two miles of any seining ground. Gill nets.

3. Seines for catching white-fish shall have meshes of not less than four inches extension measure. Seines.

BASS AND PICKEREL FISHERY.

10. Close seasons for bass, pike, pickerel (*dorée*), maskinongé, and other fish, may be fixed by the governor in council to suit different localities. Close season.

POSSESSION OF FISH.

11. No one shall, without lawful excuse, the proof of which shall devolve wholly on the party charged, buy, sell or possess any fish named in this act, or parts thereof, caught or killed during seasons when and by means whereof catching or killing the same is prohibited by law. Prohibition to buy, sell, or have in close season.

2. It shall be the duty of every customs officer, excise officer, police officer, or constable, clerk of a market or other party in charge of any market place in any village, town, or city, to seize and forfeit on view to his own proper use, or gift, any fish enumerated in this act, caught or killed during prohibited seasons, or which appears to have been killed by unlawful means; but every such seizure and appropriation, with the date, place, and circumstance thereof, shall be duly reported, together with the name, residence, and calling of the person in whose possession such fish was found, to the fishery officer having jurisdiction over the district within which such seizure, forfeiture, and appropriation have taken place Certain officers to seize fish exposed for sale in close season. And report the same.

CONSTRUCTION OF FISHWAYS.

To be made where and in such manner as fishery officer may determine.

12. Every dam, slide, or other obstruction across or in any stream where the minister may determine it to be necessary for the public interest that a fish-pass should exist, shall be provided by the owner or occupier with a durable and efficient fishway, to be maintained in practical and effective condition, in whatever place and of whatever form and capacity will admit of the passage of fish through the same (which place, form, and capacity any fishery officer may by written notice determine), under penalty of four dollars for each day during which any such obstruction remains unprovided with a fishway, after three days' notice in writing to the owner or occupier thereof:

Penalty for contravention.

To be kept open, &c.

2. Fishways shall be kept open and unobstructed and be supplied with a sufficient quantity of water to fulfil the purposes of this enactment, during such times as may be required by any fishery officer;

Minister may pay one-half the cost.

3. The minister may authorize the payment of one-half of the expenses incurred by such owner or occupier in constructing and maintaining any fishway;

May construct and recover the cost in certain cases.

4. Should it be expedient to procure the construction of any fishway pending proceedings against any owner or occupier for the penalty imposed by this act, the minister may give directions to make and complete the same forthwith, and to enter upon the premises with the necessary workmen, means, and materials, and may recover from the owner or occupier the whole expense so incurred by action before any competent tribunal;

Not to be obstructed or injured.

5. No person shall injure or obstruct any fishway, nor do anything to deter or hinder fish from entering and ascending or descending the same, nor injure or obstruct any authorized barrier.

GENERAL PROHIBITIONS.

Penalty for fishing in limits leased to another.

13. Whosoever fishes for, takes, catches or kills fish in any water, or along any beach, or within any fishery limits described in any lease or license, or places, uses, draws or sets therein any fishing gear or apparatus, except by permission of the occupant under such lease or license for the time being, or disturbs or injures any fishery, shall incur a penalty not exceeding one hundred dollars with costs, or imprisonment not exceeding two months, and the forfeiture of fishing apparatus

Right of lessee, &c.

so used, and all fish taken or caught; and any fishery officer or any such lessee or licensee may, upon his own view, forthwith seize and remove any net or apparatus so used in trespass, to be afterwards dealt with

Proviso: as to taking bait for angling.

according to law; provided always, that the occupation of any fishing station or waters so leased or licensed for the express purpose of net fishing shall not interfere with the taking of bait used for codfishing, nor prevent angling for other purposes than those of trade and commerce:

Navigation not to be obstructed.

2. Seines, nets or other fishing apparatus, shall not be set in such a manner or in such places as to obstruct the navigation with boats and vessels, and no boats or vessels shall be permitted to destroy or wantonly injure in any way, any seines, nets or other fishing apparatus lawfully set;

Stakes to be removed.

3. Stakes or other timber placed for fishing purposes in any water shall be removed by the user within forty-eight hours after last using the same, or at the expiry of the fishing season;

Main channels not to be obstructed.

4. The main channel or course of any stream shall not be obstructed by any nets or other fishing apparatus; and one-third of the course of any river or stream, and not less than two-thirds of the main channel at low tide, in every tidal stream shall always be left open, and no kind

Proviso: as to eel fishing.

of fishing apparatus or material shall be used or placed therein; provided, that weirs used exclusively for catching eels, and the usage of mill-dams for catching eels, shall be subject to interference only in cases where, and at times when, they injure other fisheries, or by completely barring any passage, shall deprive other weirs of a share in the run of eels, and such place, time and circumstances may be determined by any fishery officer.

No net, &c., to obstruct entirely the passage of fish.

5. No net or other device shall be so used as entirely to obstruct the passage of fish to and from any of the waters of the Dominion by any of the ordinary channels connecting such waters, or debar their passage to and from accustomed resorts for spawing and increasing their species;

Killing fish at certain places forbidden.

6. The catching, killing, or molesting of fish when passing or attempting to pass through any fishway, or fish-pass, or in surmounting any

obstacle or leaps, the use of any invention to catch, kill, or molest fish in the mill-heads and water-courses appurtenant thereto, are hereby forbidden;

7. Bag-nets and trap-nets and fish-pounds are prohibited, except under special licenses for capturing deep-sea fishes other than salmon; Certain nets forbidden.

8. It shall not be lawful to fish for, catch or kill salmon, trout (or "lunge") of any kind, maskinongé, winnoniche, bass, bar-fish, pickerel, white-fish, herring, or shad, by means of spear, grapnel hooks, negog, or nishagans; provided, the minister may appropriate and license or lease certain waters in which certain Indians may be allowed to catch fish for their own use in and at whatever manner and time are specified in the license or lease, and may permit spearing in certain localities; Fish not to be killed in certain ways. Proviso: as to Indians.

9. No person shall fish for, catch, kill, buy, sell or possess the young of any fish named in this act, or in any regulation or regulations under it; Young of fish not to be taken.

10. Seines for bar-fish shall have meshes of not less than three inches, extension measure; Seines for bar-fish.

11. Fishery officers may determine or prescribe the distance between each and every fishery, and shall forthwith remove any fishery which the owner neglects or refuses to remove, and such owner shall be, moreover, liable for a breach of this act, and for the cost and damages of removing the same; Distance between fisheries.

12. Every fascine fishery, with a box-trap (*coffre*) instead of pound, shall have across the outside end of such box (*coffre*) a wire covering or a net-work, the meshes of which shall be at least one inch square; but this shall not apply to eel wires during autumn; Facine fisheries with box-traps.

13. Nets or other fishing apparatus shall not be so used as to impede or divert the course of fish in any small rivers; Nets, &c., in small rivers.

14. From the time of low water nearest six of the clock in the evening on every Saturday to the time of low water nearest six of the clock in the morning on every Monday, in tidal waters, and from six of the clock in the evening on every Saturday to six of the clock in the morning of the following Monday, in fresh water, seines, nets, or other apparatus used for catching fish shall be so raised or adapted as to admit of the free passage of fish through, past, or out of the same, for the purpose of affording a free pass from six of the clock on every Saturday evening to six of the clock on every following Monday morning; and during this close time it shall be unlawful to catch fish by such means; and any fish so taken, caught or killed, together with the nets or other apparatus used, shall be forfeited, in addition to the penalties imposed by this act. Fish to be allowed free passage on Sunday. And forfeited if then taken.

INJURIES TO FISHING GROUNDS AND POLLUTION OF RIVERS.

14. Whoever throws overboard ballast, coal, ashes, stones, or other prejudicial or deleterious substances, in any river, harbour or roadstead, or any water where fishing is carried on, or throws overboard or lets fall upon any fishing bank or ground, or leaves or deposits or causes to be thrown, left, or deposited upon the shore, beach, or bank of any water, or upon the beach between high and low water mark, inside of any tidal estuary, or within two hundred yards of the mouth of any salmon river, remains or offals of fish, or of marine animals, or leaves decayed, or decaying fish in any net or other fishing apparatus, shall incur for any such offense a fine not exceeding one hundred dollars, or imprisonment for not more than two months; and every person so doing, whether master or servant, and the master or owner of any vessel or boat from which such ballast or offals or other prejudicial substance are thrown, shall severally become liable for each offense; provided, always, that it shall be lawful to bury such remains or offals ashore, beyond high-water mark, and at establishments situated inside of the mouths of rivers for carrying on deep-sea fisheries, to drop the same into perforated boxes or inclosures built upon the beach, or under stage-heads, in such manner as to prevent the same from being floated or drifted into the streams, or to dispose of them in such other manner as may be prescribed by any fishery officer; Penalty for throwing overboard certain substances prejudicial to fisheries. Proviso: as to the disposal of offal.

2. Lime, chemical substances or drugs, poisonous matter (liquid or solid), dead or decaying fish, or any other deleterious substance, shall not be drawn into, or allowed to pass into, be left or remain in any water frequented by any of the kinds of fish mentioned in this act; and sawdust or mill-rubbish shall not be drifted or thrown into any stream frequented by fish, under a penalty not exceeding one hundred Poisonous substances not to be used. Mill rubbish. Sawdust.

Proviso: minister may exempt any stream, &c.

dollars: *Provided always*, That the minister shall have power to exempt from the operation of this sub-section, wholly or from any portion of the same, any stream or streams in which he considers that its enforcement is not requisite for the public interest.

Penalty for kindling fires in certain places at certain times.

3. Whoever at any time between the first day of June and the thirtieth day of September, of any year, kindles, makes or places any fire in or near any wood, trees, brushwood, or any wild or uncultivated land, at any place north of the River or Gulf of St. Lawrence, to the east or north of the Saguenay River, or any of the islands below or to the eastward of Red Island, within the said river or gulf, whereby the fire spreads or extends through standing trees, brushwood or scrub, to a distance exceeding one arpent, shall for such offence incur a penalty not exceeding fifty dollars, and shall besides be responsible to the Crown, or whoever may be the owner of the land, for all damages occasioned by such fire: *Provided*, That nothing herein contained shall prevent proprietors or those having licenses to cut timber or wood, from burning the wood, trees or brushwood on their own land, or otherwise using fire to clear their lands without injury or prejudice to their neighbours.

Proviso: as to burning for clearance.

MISCELLANEOUS PROVISIONS.

Waters may be set apart for the propagation of fish.

15. The minister may authorize to be set apart, and to be leased, any river or other water for the natural or artificial propagation of fish; and any person who wilfully destroys or injures any place set apart or used for the propagation of fish, or fishes therein without written permission from a fishery officer, or from the holder under lease or license, or uses therein any fishing light or other implement for fishing, during the period for which such waters are set apart, shall incur a fine not exceeding two hundred dollars, or in default of payment, shall be imprisoned for not more than four months:

Penalty for trespass.

Licenses to take spawn, &c.

2. Nothing contained in this act shall preclude the granting by the minister of written permission to obtain fish and fish spawn, for purposes of stocking or artificial breeding, or for scientific purposes;

Fishery lessees in arrears.

3. Lessees or licensees of fisheries shall have no claim to renewal of leases or licenses, if in arrears of rent or percentage during four months after the same is due, and any lessee or licensee convicted of an infraction of this act, or any regulation or regulations under it, shall be liable to forfeit his lease or license;

Special licenses for oyster beds.

4. Special licenses and leases for any term of years may be granted to any party or parties who may wish to plant or form oyster beds in any of the bays, inlets, harbours, creeks or rivers, or between any of the islands on the coast of Canada; and the holder of any such lease or license shall have the exclusive right to oysters produced or found on the beds, within the limits of such license, for the term of such lease;

Minister may expend Parliamentary grant for making or restocking oyster beds.

5. The minister may authorize to be expended annually any sum appropriated by Parliament for the formation of oyster beds in various waters and places found adapted for that purpose, and transplanting oysters, and towards restocking exhausted fisheries by natural or artificial means, and to improve streams where natural obstructions exist, and may authorize the construction, erection or placing of any artificial barrier or grating in any stream or river, or in any watercourse, and in the channels or beds thereof;

Protection of oyster beds.

6. With a view to protect the oyster beds in different parts of the bays and coasts of the Dominion, it shall not be lawful for any person to take oysters, or in any way to injure or disturb such oyster beds, except during times and on terms permitted by regulation or regulations under this act, under a penalty of not more than one hundred dollars nor less than forty dollars, together with the forfeiture of the vessel and all the apparatus employed therein; and in default of payment, the party convicted shall be imprisoned for not less than one month, nor more than two months;

Penalty for injuring them.

Shell-fish fisheries.

7. Shell-fish fisheries shall be subject to the provisions of this act, and any regulation or regulations to be made under it.

FINES AND FORFEITURES.

Penalty in cases where no other is provided.

16. Except for offences to which penalties are already attached, each and every offender against the provisions of this act, or the regulations under it, shall for each offence incur a fine of not more than

twenty dollars, besides all costs; and in default of payment of each fine, shall be imprisoned in each case for not less than eight days, and not exceeding one month; provided, whenever it shall appear to the satisfaction of the convicting magistrate, that the offence has been committed in ignorance of the law; and that because of the poverty of the defendant, the penalty imposed would be oppressive, a discretionary power may be exercised; and any fishery officer or other magistrate may grant a warrant of distress for the amount of fine and costs imposed in any case;

Proviso: discretionary power in certain cases.

2. The contravention on any day of any of the provisions of this act, or of any regulation made under it, shall constitute a separate offence, and may be punished accordingly;

Separate offence on each day.

3. Should any defendant have goods and chattels whereon the costs may be levied, the complainant may distrain for the amount under warrant by any fishery officer, or other magistrate, notwithstanding the imprisonment of the party convicted and fined;

Distress for penalty, &c.

4. All materials, implements or appliances used, and all fish had in contravention to this act or any regulation or regulations under it, shall be confiscated to Her Majesty, and may be seized and confiscated on view by any fishery officer, or taken and removed by any person for delivery to any magistrate, and the proceeds of disposal thereof may be applied towards defraying expenses under this act;

Forfeiture of articles used in contravention of this act.

5. One moiety of every fine or penalty levied by virtue of this act, shall belong to Her Majesty, and the remaining half thereof shall be paid to the prosecutor, together with the costs taxed to him for attendance as a witness or otherwise;

Appropriation of pecuniary penalties.

6. Her Majesty's share of each fine or penalty and all proceeds derived from the sale of confiscated articles under this act, shall be paid to the receiver general through the department of marine and fisheries, and be applied towards the expenses incurred for the protection of fisheries; and persons aggrieved by any such conviction may appeal by petition to the minister, who shall have power to remit fines and restore forfeitures under this act.

How to be applied.

Appeal to minister.

MODE OF RECOVERY.

17. Each penalty or forfeiture imposed by this act, or regulations made under it, may be recovered, on parole complaint, before any fishery officer, stipendary or other magistrate, in a summary manner on the oath of one credible witness:

Before whom to be sued for.

2. Three days shall elapse between the service and the return of summons to any defendant for the first five leagues, and one day more for each additional five leagues of the distance between the place at which the summons is dated and the place of service: *Provided*, That when it is expedient to proceed against a defendant without delay, any fishery officer or other magistrate may issue a summons, returnable immediately, to compel the defendant to appear before him forthwith, or may issue a warrant for the apprehension of such defendant simultaneously with the summons;

Service of summons, &c.

Proviso for cases not admitting delay.

3. Penalties incurred under this act, or the regulations made under it, shall be sued for within two years from the commission of the offence;

Limitation of suits.

4. When not otherwise specified, every proprietor or proprietress, owner, agent, tenant, occupier, partner, or person actually in charge, either as occupant or servant, shall be deemed to be jointly and severally liable for penalties or moneys recoverable under any of the provisions of this act or any regulation or regulations under it;

Who shall be liable.

5. No proceeding under this act or under any regulation or regulations made under it shall be dismissed, and no conviction thereunder shall be quashed for want of form; nor shall any warrant of arrest or commitment be held void by reason of any defect therein, provided it is therein alleged that the party has been convicted and there is a good and valid conviction to sustain the same.

No quashing for want of form, &c.

POWERS OF FISHERY OFFICERS AND OTHER MAGISTRATES.

18. Any fishery officer or other magistrate may convict upon his own view of any of the offences, both as infractions and for non-compliance, punishable under the provisions of this act; and shall remove,

Fishery officer may convict on view.

or cause to be removed instantly and detain any materials illegally in use:

May cause search to be made.

2. Any fishery officer or other magistrate may search, or shall grant a warrant to have searched, any vessel or place where there is cause to believe that any fish taken in contravention of this act, or anything used in violation thereof may be concealed;

In what locality to be prosecuted.

3. When any offence under this act is committed in, upon or near any water forming the boundary between different counties or districts, or fishery districts, such offence may be prosecuted before any magistrate in either of such counties or districts, or before the fishery officer for either contiguous fishery district;

Right of fishery officer to pass over lands.

4. In the discharge of his duties any fishery officer, or any other person by him accompanied or authorized to such effect, may enter upon and pass through or over private property without being liable for trespass;

Disputes as to boundaries.

5. Disputes between parties relative to fishing limits or claims to fishery stations, or position and usage of nets and other fishing apparatus, shall be settled by the local fishery officer;

Gurry-grounds.

6. Gurry-grounds may be designated or defined by any fishery officer;

Certain officers in the Canadian or British navy to have magisterial powers under this act.

7. Any fishery officer, stipendiary magistrate, or commissioned officer of Her Majesty's Navy, on board of any vessel belonging to or chartered by the Canadian government, employed in the service of protecting fisheries, and each commissioned officer of Her Majesty's Navy serving on board of any vessel cruising and being in the waters, harbours or ports of Canada, for the purpose of affording protection to Her Majesty's subjects engaged in the fisheries, and to enforce any laws relating to such fisheries, shall exercise magisterial powers in all the waters, harbours or ports, and on all the coasts of the Dominion of Canada where for the time being and for the purposes above described they are so engaged, without property qualification, and without taking any oath of office;

Seizures, how to be dealt with.

8. Seizures made by any fishery officer, stipendiary magistrate or naval officer, so acting as aforesaid, may be taken for disposal to the nearest or most convenient port where there shall reside any revenue officer or other public officer empowered to dispose of the case;

Powers of fishery officer, &c., for the detention of prisoners when he cannot convey them to gaol.

9. Whenever it may be impracticable for any fishery officer, stipendiary magistrate or naval officer acting in such capacity, to cause any prisoner or prisoners to be conveyed to, and committed to the nearest common gaol, he shall have power to detain him or them on board of the vessel, or transfer him or them to another vessel for conveyance and delivery at the most convenient place, and with all convenient despatch, where he or they can be duly committed into the custody of the sheriff or other officer of the county or district in which the common gaol is situated, to which he or they shall be ordered to be committed; and until such prisoner or prisoners shall be so delivered into the immediate custody of any sheriff or gaoler, the fishery officer, stipendiary magistrate or naval officer having him or them in charge, shall have in all parts through which it may be necessary to convey any prisoner or prisoners, the same authority and power over and in regard to such person or persons and to command the aid of any of Her Majesty's subjects in preventing his or their escape, or in retaking him or them in case of escape, as any county or district sheriff or peace officer would have while lawfully conveying a prisoner from one part to another of his own district;

Where the offence shall be held to have been committed.

10. The offence for which any person or persons may be so committed to any common gaol shall always be held to have taken place in the county or district to the common gaol of which the commitment has been actually made.

FISHERY REGULATIONS.

Governor in council may make fishery regulations.

19. The governor in council may from to time make, and from time to time vary, amend or alter, all and every such regulation or regulations as shall be found necessary or deemed expedient for the better management and regulation of the sea-coast and inland fisheries, to prevent or remedy the obstruction or pollution of streams, to regulate and prevent fishing, to prohibit the destruction of fish and to forbid fishing except under authority of leases or licenses—every of which regulations shall have the same force and effect as if herein contained and en-

acted, notwithstanding that such regulations may extend, vary or alter any of the provisions of this act respecting the places or modes of fishing, or the terms specified as prohibited or close seasons, and may fix such other modes, times or places, as may be deemed by the governor in council to be adapted to different localities, or may be thought otherwise expedient;

And may thereby vary certain provisions of this act.

2. The publication of such regulations in the Canada Gazette, shall be sufficient notice to give legal effect to the same; and the production of a copy of a paper purporting to be "The Canada Gazette," and containing any such regulation or regulations, shall be admitted as full and sufficient evidence of the same in all courts of law or equity in Canada;

Publication and proof of regulations.

3. Every offence against any regulation or regulations made under this act may be stated as in contravention of the fisheries act.

Stating offences against this act.

PROVINCIAL ACTS AND REGULATIONS REPEALED OR CONTINUED.

20. The following acts and parts of acts are hereby repealed:

Acts and parts of acts repealed.

The act passed by the legislature of the late province of Canada (29 Vict., chap. 11) intituled an act to amend chapter sixty-two of the Consolidated Statutes of Canada, and to provide for the better regulations of fishing and protection of fisheries, and also the several sections of the said sixty-second chapter of the Consolidated Statutes of Canada therein excepted from repeal, Provided always, that the regulations of 7th May, 1859, adopted under chapter 62 of the said Consolidated Statutes of Canada, and relating to fisheries at and around the Magdalen Islands, and the regulations of 4th August, 1866, 9th August, 1866, and 25th April, 1867, adopted under the Statute 29 Victoria, chap. 11, shall continue in force in the provinces of Quebec and Ontario, until amended or superseded by other regulations under this act:

Can. 29 V. C. 11.

Proviso: as to certain regulations.

The act passed by the legislature of the province of New Brunswick (23 Vict., chap. 52) intituled an act relating to the fisheries of the county of Restigouche;

N. B. 23 V. C. 52.

The act passed by the said legislature (26 Vict., chap. 6) intituled an act relating to the coast and river fisheries;

N. B. 26 V. C. 6.

The act passed by the legislature (30 Vict., chap. 14) intituled an act to encourage the formation of oyster beds; but any regulation or regulations made under either of the three last mentioned acts, and not inconsistent with the provisions of the present act, shall remain in force in the province of New Brunswick until amended or superseded by regulation or regulations to be made under this act, and shall be subject in every respect to the authority by this act vested in the respective fishery officers appointed under this act, who are hereby empowered to enforce the same.

N. B. 30 V. C. 14.

Proviso: as to regulations under it.

21. The following acts shall continue in force in the provinces of New Brunswick and Nova Scotia:

Acts continued in N. B. and N. S.

An act passed by the legislature of the province of New Brunswick, (16 Vict., chap. 69) intituled an act relating to the coast fisheries, and for the prevention of illicit trade;

N. B. 16 V. C. 69.

Chapter 94, Revised Statutes, third series, of the "coast and deep sea fisheries," as amended by subsequent acts of the legislature of Nova Scotia: Provided, always, that such fishery officers as may be especially empowered in that behalf by the governor in council, shall also exercise the powers by the said recited acts and chapter of acts vested in revenue and other officers, sheriffs, magistrates, and all penalties and forfeitures imposed under the same shall be paid over to the receiver-general through the department of marine and fisheries to be applied towards the fisheries protection service in like manner as other fines and confiscations under the present act;

N. S. Revised Stat. C. 94.

Proviso: certain powers under that act may be exercised by fishery officers.

Chapter 95 of the Revised Statutes of Nova Scotia, third series, "of river fisheries:"

Same, C. 95.

The act (28 Vict., chap. 35,) intituled an act to amend chapter 95 of the Revised Statutes, "of river fisheries;"

N. S. 28 V. C. 35.

The act (29 Vict., chap. 35,) intituled an act to amend chapter 94 of the Revised Statutes "of the coast and deep sea fisheries;"

N. S. 29 V. C. 35

The act (29 Vict., chap. 36,) intituled an act to amend chapter 95 of the Revised Statutes "of river fisheries;"

N. S. 29 V. C. 36

And all regulations adopted in pursuance of the said chapter of the said Revised Statutes or of the said acts amending the same shall re-

And regulations under them.

main in force until amended or superseded by any regulation or regulations under this act;

Proviso: as to the exercise of powers under the said acts.

Provided always, that the powers and duties in the above named chapters and acts devolving on the governor in council under the said acts, shall vest in the governor of Canada in council, and the powers and duties belonging to the general or special sessions, and the grand jury, shall, as effects the making of any regulation or regulations, order or orders, be vested in the governor-general in council, and as affecting the appointment and control of fishery inspectors or wardens, and the declaring of exemptions, shall vest in the minister; and any fishery officer or officers appointed under this act shall fulfill the duties of fishery inspectors or wardens, and exercise the functions which by the said above recited chapters and acts attach to justice and sheriffs, for all the purposes of the aforesaid chapters and acts or any such regulation or regulations;

Fishery officers may perform certain duties.

Each and every fishery officer shall also exercise the power and perform the duty assigned to commissioners or overseers of river fisheries by the second section of chapter 103, of the Revised Statutes, (third series,) of the province of Nova Scotia;

Fishery officers to exercise powers under Rev. Stat. N. S., Chap. 103.

22. All fines and penalties levied under the several chapters and acts recited, or under any regulation or regulations referred to in the two next preceding sections, shall be disposable in the same manner as if imposed and levied under the present act.

As to penalties under the said acts.

FORMS OF PROCEDURE.

Forms of proceedings under this act.

23. Forms of proceedings, orders and notices used under this act and regulations, may for respective processes be in the forms prescribed in the schedule hereunto annexed, or in any other form; and in other respects the laws relating to summary convictions and orders shall apply to cases under this act.

Short Title.

24. This act shall be known and cited as *The Fisheries Act.*

SCHEDULE A.

Form of complaint.

PROVINCE OF ,
County (or District) of :
This day of , 18 :

To J. S., a justice of the peace for the said county (or district):

A. B., of , complains that C. D., of , hath (*state the offence briefly in any intelligible terms with the time and place at which it was committed,*) in contravention of the fisheries act; wherefore the complainant prays that judgment may be given against the said C. D., as by the said act provided.

(Signature) A. B.

SCHEDULE B.

Summons to defendant.

PROVINCE OF ,
County (or District) of , 18 :

To C. D., of , &c.:

Whereas complaint has (*this day*) been made before me that you (*state the offence in the words of the complaint, or to the like effect*) in contravention of the fisheries act: Therefore you are hereby commanded to come before me, at on the day of , at o'clock in the , to answer the said complaint and to be dealt with according to law.

Witness my hand and seal, this day of , 18 .

[L. S.]

Justice of the Peace for .

SCHEDULE C.

Subpœna to a witness.

PROVINCE OF ,
County (or District) of :

To E. F., of , &c.:

Whereas complaint has been made before me that C. D. (*state the offence as in the summons*), and I am informed that you can give material evidence in the case: Therefore you are commanded to appear before me, at , on the day of , at o'clock in the , to testify what you know concerning the matter of the said complaint.

Witness my hand and seal this day of , 18 .

J. S., [L. S.]
(*as in summons.*)

SCHEDULE D.

Form of conviction.

PROVINCE OF ,
County (or District) of :

Be it remembered, that on this day of , 18 , at , in said county (*or* district), C. D., of , is convicted before me, for that he did, &c., (*stating the offence briefly and the time and place where committed,*) in contravention of the fisheries act; and I adjudge the said C. D. to forfeit (and pay) the sum of (*or mention the thing forfeited under this act*), to be applied according to law, and also to pay A. B., (*the complainant*) the sum of for costs:

(*If the penalty be not forthwith paid, add*), and the said C. D. having failed to pay the said penalty and costs forthwith after the said conviction, I adjudge him to be committed to and imprisoned in the common gaol of the county (*or* district) of for the period of .

Witness my hand and seal, this day of , 18 .

J. S., [L. S.]
(*as in summons.*)

SCHEDULE E.

Form of warrant of commitment for non-payment of penalty or forfeiture and costs.

PROVINCE OF ,
County (or district) of :

To the constable and peace officers of the county (*or* district) of and the keeper of the common gaol of the said county (*or* district), at :

Whereas C. D., of , was on the day of 18 , convicted before me, for that he, &c. (*as in conviction*) and I did thereupon adjudge the said C. D. to forfeit and pay to A. B., &c. (*as in conviction*); And whereas the said C. D. hath not paid the said penalty or forfeiture and costs: Therefore, I command you, the said constables and peace officers, or any of you, to convey the said C. D. to the common gaol for the of , at and deliver him to the keeper thereof with this warrant; and I command you, the said keeper of the said gaol, to receive the said C. D. into your custody, and keep him safely imprisoned in the said gaol for the space of , and for so doing this shall be your sufficient warrant.

Witness my hand and seal, this day of , 18 .

J. S., [L. S.]
(*as in summons.*)

38 VICTORIA.

CHAP. 33.—AN ACT to amend "The Fisheries Act."

(Assented to 8th April, 1875.)

Preamble. Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Subs. 1 of s. 7, of 31 V., c. 60, repealed. 1. The first sub-section of the seventh section or the act passed in the thirty-first year of Her Majesty's reign, and known as "The Fisheries Act," is hereby repealed, and the following shall be substituted in lieu thereof, that is to say:

Close season for salmon. "7. Salmon shall not be fished for, caught, or killed, between the thirty-first day of July and the first day of May, in the Provinces of Ontario and Quebec, and in the river Restigouche; nor between the fifteenth day of August and the first day of March, in the Provinces of New Brunswick and Nova Scotia; Provided always, that it shall be lawful to fish for, catch and kill salmon with a rod and line, in the manner known as fly-surface fishing, between the thirtieth day of April and the thirty-first day of August, in the Provinces of Ontario and Quebec, and between the first day of February and the fifteenth day of September, in the Provinces of New Brunswick and Nova Scotia."

Proviso as to fly fishing.

Subs. 2 repealed. 2. The second sub-section of the seventh section is hereby repealed; and the third and following sub-sections of the said seventh section shall be read as the second and following sub-sections of the said seventh section of the said act.

Repeal of part of 31 V., c. 60, continuing acts hereby repealed. 3. So much of the twenty-first section of the said act as continues in force in the Province of Nova Scotia, the Revised Statute of Nova Scotia, "Of River Fisheries," and certain acts of the legislature of the Province of Nova Scotia amending the same, as in the next section mentioned, and all regulations adopted in pursuance of the said chapter of the said Revised Statutes, or of the said acts amending the same, are hereby repealed.

Acts of N. S. repealed. 4. The following statutes of the legislature of Nova Scotia are hereby repealed, that is to say:

Chapter ninety-five of the Revised Statutes of Nova Scotia, third series "Of River Fisheries."

The act (twenty-eighth Victoria, chapter thirty-five) intituled "An act to amend chapter ninety-five of the Revised Statutes 'Of River Fisheries.'"

The act (twenty-ninth Victoria, chapter thirty-six) intituled "An act to amend chapter ninety-five of the Revised Statutes 'Of River Fisheries.'"

Saving clause. But the repeal of these acts shall not revive any act or provision of law repealed by such acts or any of them, or prevent the effect of any saving clauses therein, or affect any offence committed, penalty, or liability incurred, right acquired, or act done before such repeal, as to which the said acts and any regulations made under them shall remain in force.

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36 VICTORIA.

CHAP. 65.—AN ACT for the better protection of navigable streams and rivers.

(Assented to 23rd May, 1873.)

Preamble. Whereas it is expedient to provide for the better protection of navigable streams and rivers, therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

No sawdust, &c., to be thrown into navigable stream. 1. From and after the passing of this act no owner nor tenant of any saw-mill, nor any workman therein, nor other person or persons whosoever, shall throw or cause to be thrown, or suffer or permit to be thrown, any sawdust, edgings, slabs, bark, or rubbish of any description whatsoever, into any navigable stream or river, either above or below the point at which such stream or river ceases to be navigable.

Penalty for contravening this act. 2. Any person or persons violating the preceding section shall be liable, for the first offence, to a fine of not less than twenty dollars, and for the second and each subsequent offence to a fine of not less than

fifty dollars, which fine shall be recoverable summarily in the same manner as provided for the recovery of penalties by "The Fisheries Act."

Fishery officers to enforce this act.

3. It shall be the duty of the several fishery officers to examine and report on the condition of the navigable streams and rivers under this act, from time to time, and to prosecute all parties contravening the terms of this act, and such officers shall, for enforcing the provisions of this act, have and exercise all the powers conferred upon them for like purposes by "The Fisheries Act."

Exemptions by proclamation in certain cases.

4. Provided, always, that when it can be shown to the satisfaction of the governor in council that the public interest would not be injuriously affected thereby, the governor in council shall have power, from time to time, by proclamation in the Canada Gazette, to declare any such stream or river, or part or parts thereof. exempted from the operation of this act, in whole or in part, and shall also have power, from time to time, to revoke the same.

No. 12.

FISHERY LAWS OF NEWFOUNDLAND, 1879.

CONSOLIDATED STATUTES.

CHAPTER 102.—*Of the Coast Fisheries.*

SECTION—

1. Herring not to be caught between 20th Oct. and 12th April. Seine, how to be used.
2. Time for use of and size of net.
3. Injuries to nets and seines.
4. Herring not to be hauled for bait between 20th April and 20th October.
5. Spearing or sweeping with nets or seines for salmon above tidal waters unlawful.
6. Stake, seine or weir, unlawful.
7. Mill-dams and other obstructions.
8. Mesh of salmon net.
9. Salmon bought or sold in close time forfeited.
10. Distance between salmon nets.
11. Time for taking salmon.
12. Penalties.
13. Weir, &c., erected contrary to law may be destroyed.
14. Forfeitures and penalties, how recovered.
15. Appropriation of same.
16. Convictions not to be quashed for want of form.
17. Governor may appoint superintendant of fishery and fishery wardens.
18. Reservation of treaty rights.

Herring not to be caught between 20th Oct. and 12th April. Seine, how to be used.

This section repealed, 42 Vic., Ch. ii, § 2.

I. No person shall haul, catch, or take herrings by or in a seine or other such contrivance on or near any part of the coast of this colony or of its dependencies, or in any of the bays, harbors, or other places therein, at any time between the 20th day of October and the 25th day of April in any year, or at any time use a seine or other contrivance for the catching and taking of herrings, except by way of shooting and forthwith hauling the same: *Provided*, that nothing herein contained shall prevent the taking of herrings by nets set in the usual and customary manner, and not used for inbarring or inclosing herrings in a cove, inlet, or other place.

Time for use of and size of net.

II. No person shall, at any time between the 20th day of December and the 1st day of April in any year, use any net to haul, catch, or take herrings on or near the coasts of this colony or of its dependencies, or in any bays, harbors, or other places therein, having the mokes, meshes, or scales of such net less than two inches and three-eighths of an inch at least, or having any false or double bottom of any description; nor shall any person put any net, though of legal size mesh, upon or behind any other net not of such size mesh, for the purpose of catching or taking such herring or herring fry passing a single net of legal-size mesh.

Injuries to nets and seines.

III. No person shall wilfully remove, destroy, or injure any lawful net or seine, the property of another, set or floating on or near the coast of this colony or its dependencies, or any of the bays, harbors, or other places therein, or remove, let loose, or take any fish from such seine or net.

Herring not to be hauled for bait between 20th April and 20th October.

Amended 39 Vic., Ch. 6, § II.

IV. No person shall, between the 20th day of May and the 20th day of October in any year, haul, catch, or take herrings or other bait for exportation, within one mile measured by the shore or across the water of any settlement situate between Cape Chapeau Rouge and Point Enragee, near Cape Ray; and any person so hauling, catching, or taking, within the said limits, may be examined on oath by a justice, officer

of customs, or person commissioned for the purpose, as to whether the herrings or other bait are intended for exportation or otherwise, and on refusal to answer, or answering untruly, such person shall, on conviction, be subject to the provisions of the twelfth section of this chapter.

Spearing or sweeping with nets or seines for salmon above tidal waters unlawful.

V. No person shall, by spearing or sweeping with nets or seines, take, or attempt to take, any salmon, grilse, par or trout, in any bay, river, stream, cove or watercourse, above where the tide usually rises and falls, or in any pond or lake.

Stake, seine, or weir unlawful. Repealed 38 Vic., Ch. 7, § 7.

VI. No stake, seine, weir, or other contrivance for taking salmon, except nets set or placed across, shall be set or placed in any river, stream, cove, lake or watercourse. No net shall extend more than one-third of the distance in a straight line across, and all nets shall be set only on one side of such river, stream, cove, lake, or watercourse.

Mill-dams and other obstructions. Repealed 38 Vic., Ch. 7, § 2.

VII. No person shall construct any mill-dam, weir, rack, frame, train-gate, or other erection or barrier in or across any river, stream, cove, lake or watercourse, so as to obstruct the free passage of salmon, grilse, par, trout, or other fish resorting thereto, for the purpose of spawning; and all mill-dams or other erections placed on, over or across any watercourse, river or stream resorted to by fish for the purpose of spawning, shall have a waste gate opening, or slope sufficient to constitute a proper and sufficient fish way, which shall be kept in repair by the owner. No person shall permit any sawdust or mill rubbish to be cast into any such river, stream, cove, lake or watercourse.

Mesh of salmon net. Repealed, 38 Vic., Ch. 7, § 7.

VIII. No person shall use any net for taking salmon, the mokes, meshes or scales of which are less than four inches and a half inch.

Salmon bought or sold in close time forfeited.

IX. No person shall buy or sell or have in his possession salmon, knowing the same to have been taken contrary to the provisions of this chapter, and every salmon so taken, bought or sold, shall be declared forfeited to the complainant by any justice.

Distance between salmon nets.

X. No net shall be moored or set in any harbor, cove, creek or estuary, or on or near any part of the coast of this colony or its dependencies, for the purpose of taking salmon, nearer to any other net moored or set for a like purpose than one hundred yards for a single net, and three hundred yards for a double net or fleet of nets.

Time for taking salmon.

XI. No salmon shall be taken before the first day of May or after the tenth day of September in any year: Provided that if the time limited in this section shall be found to operate injuriously in any part of this island, the governor in council may appoint any other time or times, and such time or times shall be as binding on all persons as if specially mentioned herein.

Penalties. Amended 42 Vic., Ch. II, § 3.

XII. Any person who shall violate any of the provisions of this chapter shall be subject to a penalty not exceeding two hundred dollars, and all seines, nets, and other contrivances used contrary to the provisions of this chapter shall be forfeited, and may be seized and detained until the trial of the offender by any justice, sub-collector of customs, preventive officer, fishery warden, or constable, on view, or by virtue of a warrant issued by such justice, sub-collector or preventive officer, upon complaint made on oath to be administered by either of them, and, upon conviction, the same may be declared forfeited and ordered to be sold at public auction.

Weir, &c., erected contrary to law may be destroyed.

XIII. Any justice, sub-collector, preventive officer, fishery warden, or constable, may, on view, destroy any weir, rack, frame, train-gate or other erection or barrier, used or erected contrary to the provisions of this chapter, or the same may be destroyed by virtue of a warrant issued by any justice, sub-collector, or preventive officer, upon complaint made on oath to be administered by either of them.

Forfeitures and penalties, how recovered.

XIV. All forfeitures and penalties imposed by this chapter shall be recovered with costs in a summary manner before any justice, for which purpose such justice may summon or arrest the offender, and compel witnesses, by summons or warrant, to appear before him; and, upon conviction of the offender, such justice shall cause all seines, nets, and other contrivances illegally used, to be sold by public auction, or, where permitted under the provisions of the preceding sections of this chapter, destroyed; and in default of the payment of any penalty imposed, and costs, such justice shall issue his warrant and cause such offender to be arrested and imprisoned for any period not exceeding twenty days.

XV. All penalties and forfeitures imposed by this chapter, and the proceeds thereof, shall be paid to the party informing against and prosecuting the offender to conviction. Appropriation of same.

XVI. No proceeding or conviction by any justice or other under this chapter shall be quashed or set aside for any informality, provided the same shall be substantially in accordance with the intent and meaning of this chapter. Convictions not to be quashed for want of form.

XVII. The governor in council may appoint the collector of revenue for Labrador, or other person, to be superintendent of the fisheries on the coast of this island and its dependencies, and may also appoint fishery wardens, and prescribe their duties for the purposes of this chapter. The compensation for the services of such officers to be provided by the legislature. Governor may appoint superintendent of fishery and fishery wardens.

XVIII. Nothing in this chapter shall affect the rights and privileges granted by treaty to the subjects of any state or power in amity with Her Majesty. Reservation of treaty rights.

Anno Tricesimo Sexto Victoriæ Reginæ.

Cap. IX.—AN ACT to regulate the prosecution of the seal fishery.

This act repealed, 42 Vic., Ch. 1, § 1.

(Passed 5th May, 1873.)

Section—
1. Steamer not to leave before 10th March; penalty, &c.
2. Sailing vessels not to leave before 5th March; penalty, &c.
3. Seals not to be killed before 12th March; penalty, &c.; proviso.
4. Action not to be brought after 12 months.
5. Custom-house officers not to clear steamer before 9th March, nor sailing vessel before 4th March.
6. Mode of recovery of fine; appropriation of do.
7. Persons aggrieved may apply to supreme court; proviso.
8. When act to come into operation.

Whereas it is expedient to make certain regulations touching the prosecution of the seal fishery: Preamble.

Be it therefore enacted by the governor, legislative council, and assembly, in session convened:

I. No steamer shall leave port for the seal fishery before the tenth day of March, in any year, under the penalty of two thousand dollars, to be recovered from the owner or other person on whose account the steamer shall have been sent to the seal fishery. Steamer not to leave before 10th March. Penalty, &c.

II. No sailing vessel shall leave port for the seal fishery before the fifth day of March, in any year, under the penalty of four hundred dollars, to be recovered from the owner or other person on whose account such vessel shall be sent to such fishery. Sailing-vessel not to leave before 5th March. Penalty, &c.

III. No seals shall be killed by the crew of any steamer or sailing vessel, prosecuting the said fishery, before the twelfth day of March, in any year, under a penalty of four dollars for every seal so killed, to be recovered from the owner or other person as aforesaid, and from the master of said vessel, respectively: Provided, in the case of the owner or other person as aforesaid, that such owner or other person received such seals with notice or knowledge that the same had been killed before the twelfth day of March. Seals not to be killed before 12th March. Penalty, &c. Proviso.

IV. No action shall be brought by any person to recover any penalty provided by this act, after twelve months from the time such penalty shall have been incurred. Action not to be brought after 12 months.

V. No officer of Her Majesty's customs in this colony shall clear any steamer for a sealing voyage before the ninth day of March, nor any sailing vessel on such voyage, before the fourth day of said month in any year. Custom-house officers not to clear steamer before 9th March, nor sailing-vessel before 4th March.

VI. All penalties incurred under the provisions of this act shall be sued for and recovered in a summary manner before a stipendiary magistrate, by any person who may sue for the same, one-half of such penalty shall go to the party who shall sue for and prosecute the same, and the remainder to the receiver general for the use of the public hospitals. Mode of recovery of fine. Appropriation of fine.

VII. If any person shall feel himself aggrieved by any judgment of a stipendiary magistrate, under this act, he shall have liberty to appeal therefrom to the then next sitting of Her Majesty's supreme court, at St. John's; provided notice of the same be given to the magistrate Persons aggrieved may apply to supreme court. Proviso.

within twenty-four hours after such judgment shall have been delivered, and within five days thereafter recognizances or other security with or without sureties at the option of such magistrate, shall be entered into, to prosecute the same without delay, and pay such amount as may be awarded with costs.

When act to come into operation.

VIII. This act shall not come into operation until the first day of January, in the year one thousand eight hundred and seventy-four.

ANNO TRICESIMO OCTAVO VICTORIÆ REGINÆ.

CAP. VII.—AN ACT to amend title twenty-seven, chapter one hundred and two, of the Consolidated Statutes, entitled "Of the Coast Fisheries."

(Passed 17th April, 1875.)

SECTION—

1. Contrivances for taking salmon.
2. Extent of mill-dam, &c.
3. Rubbish, &c., not to be thrown into rivers, &c.
4. Meshes of salmon nets, &c.
5. Governor in council may make prohibitions.
6. Penalty for violation of act; forfeiture.
7. Repealing clause.

Be it enacted by the governor, legislative council and assembly, in legislative session convened, as follows:

Contrivances for taking salmon.

I. No engine, machine, or contrivance whatsoever, for taking salmon, shall be set or placed in any river, stream, lake or water-course, except nets set from the sides and extending not more than one-third of the width of the water, in a straight line across, so as to leave the middle third part of the water free for the passage of the salmon.

Extent of mill-dam, &c.

II. No mill-dam, weir, rack, frame, traingate, or other erection or barrier, shall be erected in or across any river, stream, lake or water-course, to a greater distance than one-third of the width of the water, so as to leave the middle third part of the water free for the passage of salmon.

Rubbish, &c., not to be thrown into rivers, &c.

III. No sawdust or mill-rubbish shall be cast into any river, stream, lake or watercourse.

Meshes of salmon nets, &c.

IV. After the first day of May, which will be in the year of our Lord one thousand eight hundred and seventy-six, no net shall be used for taking salmon the mokes, meshes, or scales of which shall be less than six inches.

Governor in council may make prohibitions.

V. The governor in council may, by proclamation to be published in the Royal Gazette, at any time prohibit nets for taking salmon from being set in any or all rivers, except the Humber, Gander, Little Bay and Exploits Rivers, for such time as may be deemed expedient, and in such proclamation may define the limits of such rivers at their mouths.

Penalty for violation of act.

VI. Any person violating any of the provisions of this act, or any proclamation issued by virtue of this act, upon conviction before a justice of the peace, shall be subject to a penalty not exceeding fifty dollars, or imprisonment for any period not exceeding one month; and all seines, nets, and other contrivances used contrary to the provisions

Forfeiture.

of this act or such proclamation as aforesaid, shall be forfeited, and nets of a smaller moke, mesh or scale, than provided in section four, used as aforesaid, after the first day of May which will be in the year of our Lord one thousand eight hundred and seventy-six, shall be destroyed.

Repealing clause.

VII. The sixth, seventh, and eighth sections of title twenty-seven, of the "Fisheries," chapter one hundred and two, entitled "Of the Coast Fisheries," of the Consolidated Statutes, are hereby repealed.

ANNO TRICESIMO NONO VICTORIÆ REGINÆ.

CAP. VI.—AN ACT to amend the law relating to the coast fisheries.

(Passed 26th April, 1876.)

SECTIONS—
1. Cap. 102, sec. 1, Con. Statutes, amended.
2. Sec. 4 of cap. 102, amended.
3. Squids not to be taken with seines, &c.
4. Herring not to be taken within certain times.
5. Penalty.

Be it enacted by the governor, legislative council and assembly, in legislative session convened, as follows:

I. The first section of chapter one hundred and two of the Consolidated Statutes is hereby amended, by substituting the words "twenty-fifth day of April," for the "twelfth day of April." — Cap. 102, sec. 1, Consol. Statutes, amended. Repealed 42 Vic., ch. II, § 2.

II. The fourth section of the said chapter is hereby amended by substituting the words "tenth day of May," for "twentieth day of April." — Sec. 4 of Cap. 102, amended.

III. No person shall, at any time, haul, catch, or take squids, with, in, or by means of any seine, bunt, or other such contrivance. — Squids not to be taken with seines, &c.

IV. No person shall, between the hours of twelve o'clock on Saturday night and twelve o'clock on Sunday night, haul or take any herring, caplin or squids, with nets, seines, bunts, or any such contrivance, or set or put out any such net, seine, bunt, or contrivance for the purpose of such hauling or taking. — Herring not to be taken within certain times. Amended 40 Vic., ch. 13, § 1.

V. Any person violating the provisions of this act shall be subject to the same penalties as are provided by section twelve of the said chapter. — Penalty.

ANNO QUADRAGESIMO VICTORIÆ REGINÆ.

CAP. XIII.—AN ACT for the amendment of an act entitled "An act to amend the law relating to the coast fisheries."

(Passed 26th April, 1877.)

SECTION 1.—39 Vic., cap. 6, sec. 4, to apply to squid jigging.

Whereas it is expedient to amend the act thirty-nine Victoria, chapter six, entitled "An act to amend the law relating to the coast fisheries," in manner hereinafter provided. — Preamble.

Be it enacted by the governor, legislative council and assembly, in legislative session convened, as follows: — Enacting clause.

I. That the fourth section of the said recited act shall be held to include and apply to the jigging of squids, and to the use of any contrivance whatever, and to any mode of taking and obtaining fish for bait. — 39 Vic., cap. 6, sec. 4, to apply to squid jigging.

ANNO QUADRAGESIMO PRIMO VICTORIÆ REGINÆ.

CAP. XVI.—AN ACT respecting the fishery of lobsters.

(Passed 16th April, 1878.)

SECTION
1. Governor may, after enquiry and notice, restrict taking of lobsters; and provide for enforcing orders; penalty; may vary orders, or revoke.
2. Orders, alterations, and revocations to be published in Gazette and other paper.
3. Summary jurisdiction; distress; imprisonment.
4. Short title.

Be it enacted by the governor, legislative council and assembly, in legislative session convened: — Enacting clause.

I. The governor in council may, after such public enquiry and notice as shall be deemed expedient from time to time, by order, restrict or prohibit, either entirely or subject to any exceptions and regulations, the fishing for and taking of lobsters within any district or parts of districts in this colony named in the order, during such period of years or during such period either in every year or in such number of — Governor may, after enquiry and notice, restrict taking of lobsters;

And provide for enforcing orders. Penalty.

years as may be limited by the order, and may by the order provide for enforcing the order and any prohibition, restriction or regulation contained therein, by fines not exceeding one hundred dollars.

May vary orders, or revoke.

The governer in council may, by order, from time to time, vary and at any time revoke an order under this section.

Orders, alterations and revocations to be published in Gazette and other paper.

II. All orders made, and all alterations or revocations of orders made under this act shall be published in the Royal Gazette and one other newspaper in this colony, for the period of one month before the same shall take effect.

Summary jurisdiction.

III. All offences against this act, or against any order made in pursuance of this act, may be prosecuted, and all fines under this act or any such order, may be recovered with costs of suit, on summary conviction before a stipendiary magistrate; and in default of payment of

Distress.

any fine, the same may be recovered by distress and sale of the offender's goods and chattels; or in case of such default he may be com-

Imprisonment.

mitted to prison for a period not exceeding three months, or until payment.

Short title.

IV. This act may be cited as "The lobster act, 1878."

ANNO QUADRAGESIMO SECUNDO VICTORIÆ REGINÆ.

CAP. I.—AN ACT respecting the prosecution of the seal fishery.

(Passed 22nd February, 1879.)

SECTION—

1. 36 Vic., cap. 9, repealed.
2. Steamers not to sail before 10th March; penalty.
3. Sailing vessels not to sail before 1st March; penalty.
4. Seals not to be killed before 12th March; penalty; proviso; notice.
5. Cats not to be killed; penalty; definition; proviso.
6. Limitation.
7. Times of clearance; proviso; Sundays.
8. Recovery of penalties; appropriation.
9. Appeal; proviso; recognizance.

Enacting clause.

Be it enacted by the governor, legislative council and assembly, in legislative session convened, as follows:

36 Vic., cap. 9, repealed.

I. The act passed in the thirty-sixth year of the reign of Her present Majesty, entitled "An act to regulate the prosecution of the seal fishery," is hereby repealed.

Steamers not to sail before 10th March. Penalty.

II. No steamer shall leave port for the seal fishery before the tenth day of March in any year, under the penalty of two thousand dollars, to be recovered from the owner or other person on whose account the steamer shall have been sent to the seal fishery.

Sailing vessels not to sail before 1st March. Penalty.

III. No sailing vessel shall leave port for the seal fishery before the first day of March in any year, under the penalty of four hundred dollars, to be recovered from the owner or other person on whose account such vessel shall have been sent to such fishery.

Seals not to be killed before 12th March. Penalty.

IV. No seals shall be killed by the crew of any steamer or sailing vessel before the twelfth day of March in any year, under a penalty of four dollars for every seal so killed, to be recovered from the owner or other person as aforesaid, or from the master or crew of the said vessel,

Proviso; notice.

or from the parties receiving the same, respectively: Provided, that in case of the owner or other person as aforesaid, that such owner or other person received such seals with notice or knowledge that the same had been killed before the twelfth day of March in any year.

Cats not to be killed. Penalty.

V. No immature seals, known as cats, shall be killed by the crew of any steamer or sailing vessel at any time, under a penalty of four dollars for every such seal so killed, to be recovered from the receiver of such seals, or from the master or crew of any such steamer or vessel.

Definition.

And it is hereby declared, a young seal pelt of less weight than twenty-

Proviso.

eight pounds, shall be considered an immature or cat seal: Provided, that no party or parties referred to in this section shall be liable to the penalties of fines herein stated, unless it be proven that over five per cent. in number of seals taken on board or landed from such vessel are of less weight, each, than twenty-eight pounds aforesaid. The fines and penalties mentioned in this section to apply to the excess over such five per cent.

VI. No action shall be brought by any person to recover any penalty provided by this act, after twelve months from the time such penalty shall have been incurred. Limitation.

VII. No officer of Her Majesty's customs in this colony shall clear any steamer for a sealing voyage before the ninth day of March, or any sailing vessel for a sealing voyage before the last day of February: Provided, that in the event of either of these days falling on Sunday, such vessels may be cleared on the preceding Saturday. Times of clearance. Proviso; Sundays.

VIII. All penalties incurred under the provisions of this act shall be sued for and recovered in a summary manner before a stipendiary magistrate by any person who may sue for the same; one-half of such penalty shall go to the party who shall sue for and prosecute the same, and the remainder to the receiver general for the use of public hospitals. Recovery of penalties. Appropriation.

IX. If any person shall feel himself aggrieved by any judgment of a stipendiary magistrate, under this act, he shall have liberty to appeal therefrom to the then next sitting of Her Majesty's supreme court at St. John's: Provided, that notice of the same be given to the magistrate within twenty-four hours after such judgment shall have been delivered, and within five days thereafter recognizances, or other security, with or without sureties, at the option of such magistrate, shall be entered into to prosecute the same without delay, and pay such amount as may be awarded, with costs. Appeal. Proviso. Recognizance.

ANNO QUADRAGESIMO SECUNDO VICTORIÆ REGINÆ.

CAP. II.—AN ACT to amend the law relating to the coast fisheries.

(Passed 19th March, 1879.)

SECTION—

1. No herrings to be taken between 20th of October and the 18th of April, except in nets in the customary manner.
2. Sec. 1 of cap. 102, of title 27, Consolidated Statutes, and section 1 of act 39 Vic., repealed.
3. Section 12, of chapter 102, of title 27 of Consolidated Statutes, amended.
4. Owner, &c., conveying herrings in bulk between 20th October and 18th April, shall be deemed to have caught such herring contrary to law.
5. Power to justices, sub-collectors, &c., to board vessels suspected; penalty for obstructing justices or other officers in discharge of duty.
6. Appeal to the supreme court in St. John's or on circuit.

Be it enacted by the governor, legislative council and assembly, in legislative session convened, as follows: Enacting clause.

I. No person shall haul, catch or take herrings by or in a seine or other such contrivance, on or near any part of the coast of this colony or its dependencies, or in any of the bays, harbors or other places therein, at any time between the twentieth day of October in any year, and the eighteenth day of April in the following year, or at any time use a seine or other contrivance for the catching and taking of herrings, except by way of shooting and forthwith hauling the same: Provided, that nothing herein contained shall prevent the taking of herrings by nets set in the usual and customary manner, and not used for in-barring or enclosing herrings in a cove, inlet, or other place. No herrings to be taken between the 20th of October and the 18th of April, except in nets in customary manner.

II. Section one of chapter one hundred and two, of title twenty-seven, of the Consolidated Statutes, entitled "of the coast fisheries," and section one of an act passed in the thirty-ninth year of the reign of Her present Majesty, entitled "An act to amend the law relating to the coast fishes," are hereby repealed. Section 1, of chapter 102, of title 27, Consolidated Statutes, and section 1 of act 39 Vic., repealed.

III. Section twelve of chapter one hundred and two, title twenty-seven, of the Consolidated Statutes, is hereby amended, by substituting the words "two hundred dollars" for the words "fifty dollars." Sec. 12, of cap. 102, of title 27, of Consolidated Statutes, amended.

IV. The owners, masters, and other persons managing or controlling vessels conveying herrings in bulk between the twentieth day of October in any year and the eighteenth day of April in the following year, shall be deemed to have hauled, caught, or taken such herring contrary to the provisions of chapter one hundred and two of the Consolidated Statutes, as amended by the said above recited act, thirty-nine Victoria, chapter six, and by this act, unless such owner, master, Owner, &c., conveying herrings in bulk between 20th October and 18th April, shall be deemed to have caught such herring contrary to law.

or other person aforesaid shall make proof to the contrary before a justice of the peace.

Power to justices, sub-collectors, &c., to board vessels suspected;

V. Any justice of the peace, sub-collector of customs, preventive officer, fishery warden or constable, may board any vessel suspected of carrying herrings in bulk between the twentieth day of October in any year, and the eighteenth day of April in the following year; and in case any such justice, sub-collector, preventive officer, fishery warden, or constable, shall make signal to any vessel suspected as aforesaid, from any vessel employed by the government, by dipping the ensign at the main peak three times, and firing a gun, it shall the duty of the owner, master or person managing or controlling such vessel so signalled, to heave to such vessel until such justice, sub-collector, preventive officer, fishery warden, or constable, shall have boarded and examined such last-named vessel; and in case of such master, owner, or person managing or controlling as aforesaid such last-named vessel omitting so to heave her to, or to afford facilities for such justice, sub-collector, preventive officer, fishery warden or constable, boarding such vessel, or obstructing such justice, sub-collector, preventive officer, fishery warden, or constable, boarding or examining any such vessel, he shall be subject to a penalty of five hundred dollars, to be recovered with costs in a summary manner before a justice of the peace, and in case default shall be made in the payment of such penalty, such justice shall issue his warrant and cause such offender to be imprisoned for a period not exceeding thirty days.

Penalty for obstructing justices or other officers in discharge of duty.

Appeal to the supreme court in St. John's or on circuit.

VI. If any person shall feel himself aggrieved by any order or judgment of such justice under this act, or under the said chapter, he shall have liberty to appeal to the Supreme Court in St. John's or on circuit, upon giving sufficient security for the due performance of such order or judgment, if confirmed, and for the payment of all costs, and to prosecute the said appeal.

Depositions of James L. Anderson, James D. Norwood, Peter Thibodau, James Challoner, and Charles Dagle, taken in relation to the trouble between the Canadian and American fishermen at Aspee Bay, Cape Breton.

GLOUCESTER, *Sept.* 8, 1879.

I, James L. Anderson, of Gloucester, Mass., and master of the schooner Cadet, of Gloucester, do, on oath, depose and say that I left Gloucester on the 7th of June, 1879, bound for Aspee Bay, Cape Breton, to take squid. My vessel was fitted and furnished with a seine for the taking of squid, as I considered that under the provisions of the Treaty of Washington I had the right to take fish of any kind within three miles of the shores of the dominion, and also to use seines or other apparatus for the purpose. I arrived at Aspee Bay on the 20th of June; the American schooner Bay State, Capt. Goodwin, arrived the same day. He was fitted with a seine for the purpose of taking squid. The inhabitants of Aspee Bay came off to my vessel, and seeing the seine on deck, asked me what I intended to do with it; I told them that it was for the purpose of taking squid; they then left my vessel and went on shore. The next morning I went on shore and was met by a fisherman named Gwin, who informed me that the fishermen of the place had consulted together and had made up their minds that no seine should be set in the bay, and if it was attempted they would cut it up and destroy it, and that they would serve me the same.

He gave as a reason for this that they believed the using of the seine would drive away the squid and deprive them of bait for their own fisheries, and ruin their business of jigging squid. I explained to them that squid had been seined in Chebucto for several years with no more perceptible decrease of the squid than when they were caught by jigs; that the same amount of squid would be taken from the water by the jigs, as there are some two hundred men who fish for squid at that place. I found that it was useless to argue, as every time I went on shore the threats were repeated, and that they would be carried out.

I then attempted to compromise by offering to pay them for all the squid I might take in the seine, at the same rate as if they caught them with jigs, and divide the money among them equally. They said that if my seine was used in the bay that it would establish a precedent for seining there, and other vessels would not then be prevented, after one had been allowed to seine. Finding I could not use my seine, and knowing that if it was cut up I should not have it to use in other places, and be deprived of the means of getting my cargo, I felt obliged to give it up. When the squid came into the bay there was a large fleet of bankers, and if I could have used my seine, I could have supplied every vessel with bait and have also loaded my own vessel with squid to sell the vessels on the banks. For ten successive days the bay

was swarming with squid, but not one would take the hook, and the people could not take any.

All of the vessels lying there were obliged to leave without obtaining any bait, and I left also, for Chetticamp; failing to find squid there, I returned to Aspee Bay on the 21st of July, and found squid in the bay that at that time would take the hook. I commenced buying of the fishermen, having over sixty boats with 180 men employed. I paid for this lot of squid $561.00 in cash, getting about two-thirds of a cargo. This cargo I carried to St. Peirre and sold the squid for 6¼ francs per hundred to the Jersey fishermen. In a week's time I came back to Aspee Bay and found squid plenty in the bay, but they would not take the hook. I could have taken all the squid I wanted if I could have used my seine. I remained three days, and finding that I could not obtain any squid, as they would not bite, I left the bay, and I then started for Newfoundland, and in the dense fog the current set the vessel on the Little Miguelon, where she was lost. My loss on being deprived of the use of my seine on my first trip would be $5,000, as for this season I could have loaded my vessel in three days on the first trip and would have had them in St. Peirre's at least three weeks ahead of any other baiter, and as the squid failed at St. Peirre this season, I could have got $1.50 per hundred for them. The cargo I carried there three weeks later I got $1.25 per hundred for. I should have been at no expense in buying the squid, as my crew could have set the seine and handled the fish; on my second visit I paid the people 561 dollars for a partial cargo, and the third trip I could have seined my cargo, but was not allowed to and the squid not biting, I could not purchase from the people.

My third trip, by being so deprived, I suffered a loss of at least 2,000 dollars. The delay, the uncertainty, and the consequent waste of time, and the continued expense of my vessel and crew obliging me to cruise from port to port in search of fish, when I could have realized full cargoes every time I was there, with certain sales, will not be computed in this amount, but simply the cost of the squid to me at Aspee Bay if I could have seined, and the value of the squid at St. Peirre.

In this whole matter no fishery officer or officer of the law forbade my seining; the threats and all demonstrations came from the local fishermen acting independent of all law and combined together to act as a mob, violence enforced by numbers being their only authority. I told them time and again that under the Treaty of Washington I had a right to seine, as the government had paid 5½ millions of dollars for this right; they replied that they cared nothing for treaties or rights; they were going to take care of themselves; the money the government had got done them no good, but when they got cash for squid it did them some good.

The squid on those shores are about a third grown and are not mature enough for spawning; they are about 6 inches long, and they grow about two inches in a summer; they are the young squid, and every season they come on these coasts, always the young fish; by the use of the seine it makes the catch a certainty, while the hooking process cannot be depended upon.

On this trip my vessel was under a fishing license with a permit to touch and trade. I had a few boots and shoes and some cottons in case I had occasion to trade. On arriving at Aspee Bay I reported to the customs officer at Northwest Harbor, and entered my vessel; the most of my goods I carried to St. Peirre.

CAPT. JAMES L. ANDERSON.

ESSEX, *ss:*

GLOUCESTER, *Sept. 12th*, 1879.

Personally appeared the above-named James L. Anderson, who made oath that the above statement by him subscribed is true, before me.

ADDISON CENTER,
Justice of the Peace.

GLOUCESTER, *Sept.* 10, 1879.

I, James D. Norwood, master of the American schooner Messina, of Gloucester, do on oath depose and say that I left Gloucester for St. Ann's or Aspee Bay, Cape Breton, for a cargo of squid to sell for bait. I had been in these ports in previous years, and knew that the inhabitants would oppose the use of a seine in that bay, and consequently I went prepared to buy my squid.

I stopped at St. Ann's about a fortnight; got no squid, as they would not bite; then went to Aspee Bay and found that the squid would not take the hook, and that the people had opposed the use of any seine by Captain Anderson or any other person. I could have hired a seine and loaded my vessel if I had been allowed what I considered my rights under the Treaty of Washington, but finding the people in such a determined and threatening attitude, I knew it would be useless to try to get my cargo there, and left for Newfoundland. I arrived at Torbay, where I bought 300,000 squid of the local fishermen, paying 900 dollars in cash for them.

The same hostility to Americans taking their own bait with seines exists at New-

foundland as at Cape Breton. The fishermen can make twice the amount of money taking squid for the American bankers and baiters than they can in their usual avocation of codfishing, and they will not be deprived of this lucrative trade if they can help it. It is cash to them, and the women and boys join with the local fishermen in the light work of taking squid with jigs. The whole community shares in the squid fishery and in the money they receive for them.

In my judgment, full one hundred thousand dollars is paid annually on these shores for bait alone, and this could all be saved if the Americans could use their seines to take bait; and the bait if not purchased by the American fleet would be useless and valueless to the people.

I have been informed that there is a local law against seining squid at Newfoundland. The present mode of taking squid by jigs is a slow process, costing the Americans a great loss of time, when if the seine could be used it would save two-thirds the time it now takes to get bait. Each banker now has to spend at least 30 days out of each trip in going around from place to place for bait, as when the squid will not take the hook none can be obtained, and the seine makes the catch a certainty.

JAMES D. NORWOOD,
Master of Schooner Messina.

ESSEX, *ss:*

GLOUCESTER, *Sept.* 10, 1879.

Personally appeared the above-named James D. Norwood, who made oath that the above statement by him subscribed is true, before me.

ADDISON CENTER,
Justice of the Peace.

GLOUCESTER, *Sept.* 10, 1879.

I, Peter Thibodau, master of the American schooner Lizzie J. Jones, of Gloucester, do, on oath, depose and say, that I left Gloucester in the said vessel on the 3rd of June, 1879, for Aspee Bay, Cape Breton, on a trip for squid. I was not fitted with a seine, but was prepared to buy for this season; that the previous year I was at Aspee Bay with Capt. Dagle, and knew that the fishermen there would not, under any circumstances, permit a seine to be used there.

I was at Aspee Bay when Capt. Anderson, of the schooner Cadet, tried to use his seine, and Capt. Anderson asked me to assist him in using his seine for seining the squid, but the local fishermen, to a man, united in threatening destruction to the seine or any one who attempted to use it in that bay.

I am perfectly sure that the seine would have been destroyed, as the people warned me from having anything to do with it, and were constantly on the watch to see if Anderson attempted to use it, and were prepared to attack him on the first demonstration on his part. I did not get but 3,000 squid at Aspee Bay. My vessel would take, as a cargo, 500,000.

All of the vessels could have been loaded with squid, could the seine have been used; the bay was swarming with them.

I told the people that Americans had the right to take these squid with seines, and they said they cared nothing for that; they should and would protect themselves; if they allowed seining it would ruin their business of jigging squid, and then they thought the seining would drive away the squid from the bay.

At this place the local fishermen have no money, except what they get from the Americans for squid, and they say if this trade is taken from them they will have no money to pay their taxes, &c.

They usually receive from the local traders goods and groceries for the fish they take during the season, while the Americans pay cash for the squid and bait they buy.

I was obliged to leave Aspee Bay, as I could not obtain any squid, as they would not bite.

I then went to Newfoundland to Conception and Trinity Bays, where I bought my squid of the local fishermen.

The feeling is the same at Newfoundland as at Aspee Bay against seining.

No American will be allowed to use a seine to take squid in any of the bays or coves of Newfoundland under penalty of destruction of the seine. I have heard the people say this over and over again, and know that it is impossible to obtain what we consider our rights in this respect under the Treaty of Washington.

PETER THIBODAU, [SEAL.]
Master of the Schooner Lizzie J. Jones.

ESSEX, *ss:*

GLOUCESTER, *Sept.* 10, 1879.

Personally appeared the above-named Peter Tholbodau before me, and made oath that the above statement, by him subscribed, is true.

ADDISON CENTER,
Justice of the Peace.

James Challoner, of White Point, Aspee Bay, being duly sworn, do depose and say: That about July 20th, 1879, Captain Anderson, of the schooner Cadet, of Gloucester, came to see me and said that his vessel the previous season had done very well with squid which they had purchased here and had sold at St. Pierre Miquelon; and that there were ten vessels this year engaged in the same business, and eight of them did come to this bay for the purpose of getting squid and carrying them to the banks for sale to the bankers, and remained here until about the 16th of July. Captain Anderson and Captain Goodwin, of the Bay State, had a seine for the purpose of seining squid in the bay and did not attempt to use it because the fishermen would not allow them to do so; they threatened to cut the seine if they placed it in the water; there never has been but one seine cast in this bay, and had Captain Anderson thrown his seine he would have swept the whole school of squid in the cove and the fishermen would have been deprived of all their bait for the season. Last season the Americans purchased their squid, giving 20 cents per hundred, and this, when the squid are plenty, is a source of profit and a large part of the business of the inhabitants. Captain Anderson could have purchased all he wished, but if the fishermen had allowed him to seine they would have lost the money paid for the squid by the cod-fishermen from the banks. No opposition was made to Captain Anderson's catching squid by hook and line.

American and French bankers come here every summer for bait, and if Captain Anderson had taken all the squid by his seine the bankers would have been forced to purchase of him instead of the native fishermen, of whom there are about one hundred and fifty. I am not aware of any colonial law against securing squid. The only reason the inhabitants threatened Captain Anderson was that he would ruin their squid catch. The only fishery officer lives at Fragnish, down the coast. Some Newfoundlanders living near here attempted, a little while ago, to use seines for taking caplin, but the natives would not permit them to do so. I have been a resident here for thirty years and engaged in the business of purchasing fish.

White Point, Br. Vic., 17th Aug., 1879.

J. A. CHALLONER.

Subscribed and sworn to before me this seventeenth day of August, 1879.

J. H. SEARS,
Ensign, U. S. Navy, U. S. S. Kearsarge.

Charles Dagle, captain of the schooner Joseph Story, being duly sworn, doth depose and say that he was at Aspee Bay, Cape Breton, in the latter part of June, 1879, for the purpose of purchasing squid to carry to St. Pierre for bait for the French bankers; that while he was there Captain Anderson, of the schooner Cadet, of Gloucester, Massachusetts, who came for the purpose of catching squid at that place, and squid not being obtained in sufficient numbers by jigging, attempted to use a squid seine for the purpose of catching the squid which schooled in great numbers, but would not bite at the jig. The inhabitants of Aspee Bay threatened that if he set his seine they would cut it and there would be trouble, as selling squid was their only way of making money during the summer season, and if a seine was used in the cove all the squid would be taken or driven away, and they would lose all their summer's employment, as squid was the only bait they could obtain for catching cod. They were willing that Captain Anderson should jig his squid or purchase of them. Captain Anderson left the bay without a trip of squid, while if he had used his seine he would probably have filled his vessel.

That I have just come back from Torbay, Newfoundland, near St. John, with ninety-four thousand squid, which were all purchased of the inhabitants there. That there is a law in force in Newfoundland against seining squid, which forces us to purchase of the natives, as we have no time to take them by the slow process of jigging.

CHARLES DAGLE.

Sworn to before me at S. Pierre, Miq., this 19th August, 1879.
[SEAL.]

W. F. McLAUGHLIN,
Vice-Comm'l Agt., U. S. A.

46TH CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { EX. DOC. No. 85.

LIFE-SAVING SERVICE ON THE LAKES.

LETTER

FROM

THE SECRETARY OF THE TREASURY,

IN REPLY TO

A resolution of the House in relation to the operations of the Life-Saving Service on the Great Lakes.

MAY 20, 1880.—Referred to the Committee on Commerce and ordered to be printed.

TREASURY DEPARTMENT, *May* 18, 1880.

SIR: In response to the resolution of the House of Representatives dated December 17, 1879, requesting certain information relative to casualties and disasters to vessels which have occurred since the commencement of the current fiscal year on the Great Lakes, within the scope of the operations of the Life-Saving Service, and a statement of the services rendered by the life-saving crews and appliances during the same period upon said lakes, I have the honor to state that the reports of the district officers on file in the office of the General Superintendent of the Life-Saving Service show the number of such casualties and disasters to vessels, occurring between the 1st day of July, 1879, and the 17th day of December, 1879 (the date of the resolution), to be 84. There were on board these vessels 644 persons, of whom 643 were saved and 1 lost. The estimated value of the vessels is $755,735, and that of their cargoes $299,887, making the total value of the property $1,055,622. Of this amount $626,169 was saved, and $429,453 lost.

Accompanying is a statement of the services rendered by the life-saving crews and appliances, and a tabular statement, by districts, giving the names of the vessels and and all other desirable information.

Very respectfully,

JOHN SHERMAN,
Secretary.

Hon. S. J. RANDALL,
Speaker of the House of Representatives.

STATEMENT OF SERVICES OF LIFE-SAVING CREWS AND APPLIANCES ON THE GREAT LAKES FROM JULY 1 TO DECEMBER 17, 1879.

July 4, 1879.—At about three o'clock, while a number of persons wer, bathing in the surf near Station No. 4 (Charlotte, N. Y.), Ninth District Lake Ontario, one man, in diving, struck his head on a ridge of sand and became insensible in the water. He was rescued by one of the station crew, who plunged in after him, brought him to the beach, and subjected him to the method of resuscitation. After respiration was induced, the man still remained unconscious, and, a physician being summoned, his spine was found to be injured, producing paralysis of his lower extremities and rendering his recovery doubtful.

July 6.—Mr. George Platt with two ladies were out in a boat on Lake Michigan, when the wind shifted to the northwest and blew so hard that the boat became unmanageable, and was filling fast with water, to the great peril of those on board, when two of the crew of Station No. 10 (Saint Joseph), Eleventh District, went out to their relief in a skiff and brought them safely on shore without further damage than their being thoroughly drenched, there being at the time a pouring rain. The same day a member of this crew saved from drowning a boy, twelve years old, who had fallen into the river.

July 6.—At 4.30 p. m., the yacht *Mischief* of Chicago, while upon an excursion on Lake Michigan, with six men on board, was struck by a heavy squall from the northwest, accompanied by torrents of rain and a rough sea. All canvas was taken in, and the yacht drifted under bare poles, water-logged and unmanageable, with her flag at half-mast. This signal of distress was seen at Station No. 11 (Chicago), Eleventh District, three miles away, and the life-saving crew at once launched the surf-boat and pulled for the yacht in the very height of the storm. Upon reaching her, they found the occupants thoroughly drenched, and so terrified that they could not be induced to stay on board their vessel and be towed in. They were taken into the surf-boat, three men from which took charge of the yacht and sailed her ashore.

July 7.—The crew of Station No. 7 (Fairport, Lake Erie), Ninth District, went out to the assistance of the schooner *Groton*, which had grounded on a bar at six o'clock in the morning, and succeeded in getting her off, helped to put up her sails when she floated, and brought her into harbor. The next day the life-saving crew helped to recover the schooner's anchor and chain which she had slipped.

July 9.—The yacht *Dana*, of Charlotte, N. Y., having on board a party of six persons, five of them ladies, sailing about the lake for pleasure, broke her peak halyards, and becoming unmanageable was partly swamped two miles from the shore and about the same distance from Station No. 4, Ninth District, just at dusk. The keeper, who was on the beach at the time, saw her peril as she was drifting down the lake, and hastened to the station for his men and boat. As he was leaving, a young man rowed out in a skiff to the yacht, and his help in managing her kept her afloat until the arrival of the life-boat and a tug, when she and her passengers were safely brought to harbor. The keeper states that there is little doubt that all on board would have perished but for the timely assistance of the young man with the skiff until the arrival of the life-saving crew.

July 11.—At about eight o'clock in the evening two men attempted to cross the river at Charlotte, N. Y., in a skiff during a strong gale. A heavy sea was rolling in from the lake, which swamped the boat and left the men struggling in the water. Their cries were heard at the

life-boat station on shore (No. 4, Ninth District, Lake Ontario), and the keeper and a surfman went to their assistance, and rescued them, saving also the boat.

July 11.—The crew of Station No. 6 (Presque Isle, Erie, Pa.), Ninth District, Lake Erie, saw at about 2 o'clock p. m. a fish-boat belonging to Richard Slocum, which had been moored to the public wharf, driving down the bay on to the breakwater. A strong gale was prevailing, with a heavy current. The life-saving crew at once went out, and with difficulty saved the boat.

July 11.—On the same day a fish-boat, owned by Charles Nelson, coming into Erie from the fishing-grounds, was swept by the current out of the channel against the breakwater, had her port bow stove in, and sunk with the two men on board about a quarter of a mile southwest of the Station (No. 6, Ninth District), the crew of which at once went to the rescue, which with great exertion they accomplished, saving also the boat, in doing which the life-saving men were compelled a portion of the time to swim.

July 13.—The crew of Station No. 15 (Milwaukee), Eleventh District, Lake Michigan, discovered in the afternoon, during a squall from the northeast with rain, a sail-boat capsized about a mile south of the station, and at once put out in the surf-boat to the rescue. Upon arriving alongside the capsized boat, they took off two men, apparently intoxicated, who were clinging to the boat's bottom, and two boys who had been in the boat and had managed to crawl into a skiff towing astern. After landing these four persons, the life-saving crew returned, succeeded in righting and bailing-out the capsized boat, and towed it ashore. Immediately after their return to the station they saw a yawl swamped in the channel between the outer ends of the piers, upon arriving alongside of which, in the surf-boat, they found that the accident had been caused by four boys attempting for sport to tow in the yawl alongside of a steam barge. The boys had contrived to clamber up on the pier and had made off, and the surf-boat crew towed the yawl to the schooner *Mapleside*, to which it belonged.

July 19.—The barge *Northern Light* in entering Niagara River, in tow of a steam-tug, got out of the channel and brought up on the rocks at the head of the rapids, when the barge *St. Clair*, in the same tow astern, ran afoul of her and stove in her stern and quarter seriously. The life-saving crew of Station No. 5 (Buffalo, N. Y.), Ninth District, Lake Erie, launched the surf-boat and rowed out to her, but found that no assistance was needed.

July 26.—The yacht *Magic* was capsized about 7 o'clock a. m. four miles from shore, on Lake Ontario, while altering her course to stand out in the lake in a fresh south wind and heavy sea. The four men on board clung to her bottom. In a few minutes the crew of Life-Saving Station No. 1 (Big Sandy Creek, N. Y.), Ninth District, Lake Ontario, launched the surf-boat and pulled out to the rescue. The men were taken off and brought to the station, where two of them were succored from Saturday (the day of the rescue) until the following Monday. The yacht was also towed ashore by the life-saving crew, righted and bailed out, and towed to the station.

July 27.—The lookout of Station No. 5, Ninth District, at Buffalo, N. Y., hearing a splash in the river late at night, at once launched a dingey, rowed out and found a woman, cook of the barge *Coan*, who had fallen into the river while attempting to board the barge from the pier, and whose life was saved by the timely action of the patrol.

July 27.—The crew of Station No. 11, Eleventh District, were the

means of saving a scow loaded with stone for the government breakwater at Chicago. The lines which held the scow parted, and a strong wind blowing off shore, she was fast drifting out on the lake, when the station crew went out with lines, pulled the scow back as far as the station and secured her.

July 27.—The sloop *Falcon*, of Bay View, Wis., having on board four persons, two men and two lads, the men intoxicated, was struck by a squall and capsized at half past three in the afternoon, about two and a half miles south of Station No. 15, Eleventh District, Lake Michigan. The accident was seen by the surfman on the look-out, and the surf-boat launched at once. The wind was blowing heavily off shore, and the crew, using oars and sails, reached, in half an hour, the capsized vessel, to which the men and boys were clinging. After taking them into the surf-boat, the crew righted the *Falcon*, bailed her out, and towed her to her moorings at Bay View, where they delivered her to her owner, from whom the men had stolen her.

July 29.—A gentleman while bathing at Grosse Point in the vicinity of Station No. 12 (Evanston, Ill.), Eleventh District, Lake Michigan, became exhausted in the breakers and could not resist the undertow. A surfman of Station No. 12, seeing his critical condition, swam out to him and with great difficulty and risk succeeded in getting hold of him and taking him to land.

August 2.—The yacht *Crusoe*, of Evanston, Ill., was capsized on Lake Michigan, with two men on board, at 2.30 p. m., about three-quarters of a mile from Station No. 12, Eleventh District. The keeper and two of his men instantly launched the surf-boat and put out for the yacht, which was reached first by a yawl sent from a vessel nearer than the station to the scene of disaster. A line made fast to the top of the mast and hauled upon, righted the vessel, which, however, being full of water, immediately began to sink, but was kept up by the life-saving men boarding her, bailing her out, and throwing her ballast overboard. The yacht was then taken in tow, and, with her crew, was brought safely to land.

August 4.—A lad of twelve years, whose parents were summering at Charlotte, N. Y., Lake Ontario, went in bathing near the wreck of the *Star*, lying near the shore. The sand had drifted around the stranded hull, forming a sort of socket or cradle in which the vessel lay. In attempting to walk down the seaward side of this bank from the hull, the boy suddenly found himself beyond his depth, became frightened, and, after a struggle, went down. Although the accident happened not far from his home, there was no one at hand who could venture to his rescue, and word was sent to Station No. 4, Ninth District, half a mile away, for the keeper, who, with one of his surfmen, hurried to the rescue. The boy was apparently dead when taken out, but, by the prompt employment of means of resuscitation, he was at length returned alive to his parents.

August 6.—News was received at Station No. 5, Ninth District, that a boy was drowned some distance out in the lake. A part of the life-saving crew hastened immediately to the place indicated, but after repeated diving and careful searching failed to find him. They then took out two boats and grapnels and made further search until night without avail. The next morning they returned to the work, and finally found the body and returned it to the parents.

August 8.—The yacht *Favorite*, while sailing on Lake Erie, with one man on board, had her throat halyards carried away about 7 a. m., and the man, not knowing how to hoist sail with the peak halyards, made

a signal of distress, which was seen by the keeper of Life Boat Station No. 9 (Marblehead Point, Ohio), Ninth District, two miles distant. The keeper and crew at once launched the surf-boat, and in about an hour reached the yacht, which was drifting helplessly about the lake. The keeper took charge of the vessel and sailed her, with the man on board, safely into harbor.

August 12.—At 5 p. m., the keeper of Life-Saving Station No. 2 (Point aux Barques, Mich.), Tenth District, Lake Huron, saw the tug *J. N. Sprague*, with a raft in tow, heading right toward the inside reef in that locality, and at once rowed out in the surf-boat and warned the captain of the tug of his danger, causing the vessel to steer clear of the reef.

August 13.—At two o'clock in the morning, the keeper of Life-Saving Station No. 1, Ninth District, Lake Ontario, saw the propeller *City of St. Catherine*, bound to Kingston, Ontario, come steaming along the shore in the darkness, with the appearance of looking for some place. The keeper built a fire at the mouth of the river, abreast of which the steamer then ran, and stopped. The life-saving crew launched the surf-boat, and pulled out to the propeller, which he found had lost her way, the captain having been misled by his compass. The keeper gave him the course to Kingston and all necessary directions.

August 15.—The schooner *Volunteer*, of Oswego, N. Y., stranded on a bar in mid-channel. The keeper and crew of Life-Saving Station No. 1, Ninth District, Lake Ontario, went at once in the surf-boat to her assistance, ran out her anchor, and made three attempts to heave her off, but without success. The following morning, the wind having changed and the water risen on the bar, the life-saving crew went out again and succeeded in getting her off the bar and inside the harbor of Big Sandy without damage.

August 16.—The patrol of Life-Boat Station No. 14 (Racine, Wis.), Eleventh District, Lake Michigan, reported a vessel ashore near Racine, Wis. The keeper and crew at once proceeded to the scene of disaster, and finding no assistance there required, set a watch over the stranded vessel, which proved to be the schooner *Alleghany*, of Erie, Pa., in case their services should at any time be required, and returned to the station. The watch was continued until the 20th of September, when the life-boat crew assisted in endeavoring to work the vessel off, and continued the labor each day until the 1st of October, when she was got afloat, and taken in tow and to harbor by a wrecking tug.

August 22.—The keeper of Life-Boat Station No. 2, Tenth District, Lake Huron, saw a steamer with five barges in tow heading for a dangerous ledge in that locality, and, by displaying the proper flag from the signal code, succeeded in making her captain alter his course and avoid the danger.

August 22.—The crew of Life-Boat Station No. 17 (Two Rivers, Wis.), Eleventh District, Lake Michigan, turned out in a body to assist in saving a raft of timber which had been brought by the government to Two Rivers, Wis., for harbor improvements, and had broken adrift.

Angust 23.—A yacht from Grand Haven, Mich., with a party of ladies and gentlemen sailing for pleasure, during a strong northwest wind and heavy sea, broke her rudder and was stranded about two miles from the harbor. The crew of Station No. 9 (Grand Haven, Mich.), Eleventh District, who were out drilling on the lake in the immediate vicinity, went at once to the rescue, but experienced great difficulty in the attempt to get alongside the yacht, the heavy sea rendering it almost impossible. After repeated efforts, they succeeded in reaching the yacht and taking her and the three women and two men on board safely into port.

August 24.—Two men and a woman in a sail-boat upon Lake Ontario, being in imminent danger by the boat becoming unmanageable, were rescued by two surfmen of Station No. 3 (Oswego, N. Y.), Ninth District, who went out to their relief and towed them to a place of safety.

August 24.—The screw steamer *Bret Harte*, with a crew of three men and nine passengers, got on the bar near the pier at Lincoln Park, Ill. The strong northeast wind and heavy sea prevailing had caused an unusual accumulation of sand on the bar, and the vessel was in danger of becoming a total wreck, her safety depending upon a line being run out to her from a tug, which the state of the wind and sea prevented a tug from getting near enough to do. In this exigency, the crew of Station No. 11, Eleventh District, went out to the steamer in the surf-boat, no ordinary boat being fitted for the task, and succeeded with difficulty in getting to her the required line, thus enabling the tug to pull her off the bar, and preventing her from being destroyed.

August 26.—At seven o'clock in the evening the lookout at Station No. 8 (Cleveland, Ohio), Ninth District, Lake Erie, saw that the water-works crib at Cleveland was on fire and gave the alarm at the station. The life-saving crew at once launched the surf-boat, reached the crib, and with buckets of water passed from hand to hand kept down the fire until the arrival of a tug, with the hose of which they extinguished the flames.

August 27.—The steam yacht *Belle*, having on board eight persons, was crossing from Stoney Island to Oswego, when her steering gear was carried away, and the keeper of Station No. 1, Ninth District, Lake Ontario, hearing her whistle blown for assistance five miles from the station, rowed out in a small boat with two men, brought in the yacht, and fixed her steering gear.

August 28.—The tug *N. P. Sprague*, while abreast of Station No. 4, (Ottawa Point (Tawas), Mich.), Tenth District, Lake Huron, and about a mile and a half from shore, blew a signal of distress. The life-boat at once went out to her, found she was in need of assistance in getting a raft of lumber she had in tow into the bay, the wind and sea being too heavy to accomplish it without aid, and, at the request of her captain, procured from Tawas another tug for the purpose.

August 30.—The schooner *Volunteer*, laden with lumber, and having three men on board, stranded on the bar at the mouth of Big Sandy Creek, Lake Ontario, and the crew of Station No. 1, Ninth District, went out to her, caused her to be lightened by throwing off a quantity of her load of lumber, ran out a line, and hove her inside.

August 30.—The schooner *Kate Richmond*, laden with lumber, and having a crew of six men and two passengers, missed the channel and stranded on a reef off Alcona, Mich., about four miles north of Station No. 5 (Sturgeon Point, Mich.), Tenth District, Lake Huron. The accident was reported at the station by the patrol north at 2 a. m., and shortly after the station crew reached her in the surf-boat. The vessel was found lying head on upon the reef, and the life-saving crew at once set to work shifting her deck-load of lumber from forward to aft, which so lightened her that they were enabled, by means of the windlass, to heave her off into deep water. They then helped to rearrange the deck-load and make sail, remaining on board and piloting the schooner until she was beyond danger. The vessel sustained no damage.

September 2.—In the evening the keeper of Station No. 4, Ninth District, Lake Ontario, learned that a vessel was out on the lake water-logged, about eight miles distant. He and his crew started at once with the surf-boat in tow of a tug, in search of her, but the night being very

dark their search was in vain, and they returned to the station at midnight. At day-break the following morning they went out again and found the vessel, which proved to be the sloop *Cora*, stranded, with two men on board, three and a half miles west of the station. After throwing off part of her deck-load of lumber, they succeeded in relieving her, and took her safely to Charlotte.

September 3.—At six o'clock in the morning the patrol of Station No. 5, Tenth District, Lake Huron, reported a vessel aground on a reef off Black River Island, nine miles north of the station, which proved to be the schooner *W. H. Rounds*, of Buffalo, laden with coal and having a crew of eight men. The surf-boat was at once launched and rowed against a heavy head gale and sea to the stranded vessel, which was reached after a hard pull by eleven o'clock in the forenoon, but was found in need of no assistance from the life-saving crew, her mate having gone ashore to procure a tug to pull her off.

September 3.—The schooner *Clara*, laden with lumber, lost part of her deck-load in coming through the breakers at Saint Joseph, Mich. The crew of Station No. 10, Eleventh District, picked up the lumber and saved it.

September 3.—The bark *Lewis Day*, with a cargo of cedar posts and telegraph poles, a crew of nine men being on board, having labored heavily in a high sea, sprung a leak, and was in a sinking condition about three miles east of Chicago Harbor. She was seen from Station No. 11, Eleventh District, early in the morning signaling for a tug. Receiving no response, she hauled down her flag and hoisted a signal of distress. The keeper of the station went immediately with the sail-boat and five men to the rescue. It was blowing a living gale, and the boat was with much difficulty kept from swamping. Arriving at the distressed vessel the life-saving crew found her sinking, her steering-gear carried away, and her nine men exhausted with pumping, having been at it all night. With considerable difficulty a line from the boat was made fast to the stern of the vessel, but the heavy sea made it impossible for the boat to get alongside. Finally, a line was hove from the vessel, which one of the life-saving crew tied around his body; then jumping into the sea, he was hauled upon deck. Another of the crew was hauled on board in the same way, and the two men at once fell to work heaving the anchor, which had been dragging, letting the vessel swing broadside to, in imminent danger of foundering. Meanwhile a tug came up and held the vessel while the anchor was being raised. The vessel was then towed into harbor, the two surfmen working steadily at the pumps all the way, to the great relief of the crew. She had four feet of water in her hold when she arrived in port. The service rendered her by the life-saving crew occupied two hours.

September 3.—The screw steamer *J. Bertschey*, commanded by Capt. G. W. McGregor, bound from Saginaw, Mich., to Cleveland, Ohio, heavily laden, with 1,400,000 shingles and having on board nineteen passengers and a crew of thirty-two persons, was lying on the 3d of September at Port Austin, Mich., weather-bound by an easterly gale. The wind suddenly changed to the north and blew violently, and the steamer began to pound on the bottom, so that the captain was obliged to weigh anchor and take to the open water. The vessel had got clear of the dangerous reef in that locality, and was steaming down the lake apparently all right, when she sprang a leak which increased rapidly, and her steam siphon pump became choked and useless, when, to prevent her foundering, she was headed for the land, the captain hoping to beach her between the docks at Grindstone City, whence the passengers could

be easily landed, but the vessel got close to the shore before exact bearings could be got in the darkness, by which time the fires were extinguished by the water, and she struck about ten o'clock at night, a quarter of a mile from shore, and 300 yards southeast from Grindstone City dock. The nearest life-saving station was that at Point aux Barques (Station No. 2, Tenth District, Lake Huron), seven miles distant, and with the view of getting the assistance of the life-saving crew, a boat containing both mates and four men, was lowered from the steamer soon after she struck, and attempted to gain the land, but capsized almost immediately. The men clung to her, and fortunately were washed ashore, though only upon some shelving rocks at the foot of a perpendicular bluff, forty feet high, which they were unable to scale, and where they remained clinging to the rocks in the rain and darkness, drenched and hungry, some of them having sustained bruises in landing, until seven o'clock the next morning when they were discovered by some citizens of Grindstone City, who hauled them up the bluff with ropes. Another attempt was made by the steamer's company about midnight to gain the shore by means of a boat, which, however, broke adrift when but one man was in it, who was washed ashore, and joined his companions at the foot of the bluff, remaining with them until morning.

The thick weather and the darkness of the night, as well as the distance of the wreck from the station, it being four and a half miles beyond the limit of the patrol, prevented any knowledge of the disaster from reaching the life-saving crew at Point aux Barques until after seven o'clock in the morning of September 4, when information was brought them by a mounted courier from Grindstone City, where the wreck had been discovered at daybreak. The keeper at once sent for a team, and in a few minutes had it hitched to the boat-wagon, upon which were the surf-boat and oars, the cork-jackets of the crew, the grapnel and heaving line, and the men themselves. The horses were young and spirited, and it was an incident of the start, that they appeared to be scared at their novel load, and came very near running away. The burden, however, and the difficulty of the road, soon told upon them. Two miles on the way another team was met racing toward the station, having been sent for the assistance of the crew, and the keeper immediately dispatched it under charge of one of the surfmen, with instructions to follow after as fast as possible, with the Lyle gun and its appurtenances.

The team with the boat-wagon, although urged to its utmost over the rough and sandy road, could not arrive abreast of the wreck until half past nine o'clock, the journey of seven miles consuming two hours. Without a moment's delay the launch was ordered. The pier at Grindstone City, upon which five hundred people had now gathered, projects into the lake in a northeasterly direction. About southeast from the outer end of the pier, at the distance of a quarter of a mile, seen through the driving rain, lay the wrecked steamer, heeled over to starboard, with the water at intervals flying in great sheets over her. She was already breaking up, and her miserable passengers and crew, almost hopeless of relief, were grouped upon her upper deck, lashed to the bulwarks, where they had been for hours, drenched by the flooding breakers. The gale was from the north, and between the vessel and the pier was the breadth of a terrible sea, running from the north-northeast in heavy furrows. This threatening expanse the surf-boat had to traverse in the desperate endeavor for the rescue, without, as the relative positions of the steamer and the pier make evident, the least shelter

to her crew from the gale and sea beyond what the immediate lee of the dock afforded.

At the moment of launching, a crew of volunteers attempted to go out to the wreck in a fish-boat, but as soon as they had got beyond the lee of the pier, and felt the sea, they put back. The life-saving crew were meanwhile on their perilous way. Many times, to the spectators on the shore and the wretched group on the wreck, they seemed to have gone down, as their boat sank from sight into the troughs of the sea, but on each occasion the boat rose on the summits of the waves, with her bows steadily headed to the stranded steamer, and her crew working together with all their might at the oars. The energy of the men is told by the fact that against all obstacles they came up alongside and flung their line by its heaving-stick aboard the wreck within ten minutes from the time they left the shore. The line was caught by willing hands upon the vessel and made fast. In operations for rescue of this nature, the surf-boat is loosely held to the wreck by the connecting line, advancing and receding by her oars as the action of the sea allows, and at the proper moment darting up and snatching away, as it were, the people to be rescued. Upon this occasion no sooner was the boat secured to the vesssl than two of her men flung themselves into the furious water, and by the aid of ropes worked themselves with great exertion up and on to the steamer's deck, where they could aid and direct the labor of transferring those on board to the surf-boat. This transfer was difficult and dangerous. The position of the steamer afforded no sheltering lee to the surf-boat; and the seas washed through between decks and came curling around her bows, constantly threatening to dash the boat to pieces against the hull of the wreck. By good fortune, as well as by the skill of the life-saving crew, this work was thoughout conducted successfully, none of the people on the vessel being hurt in any way, and the boat escaping the occasional concussions with but slight damage. The first people lowered over the bulwarks were the eleven ladies on board and a little boy, and with this load the surf-boat shoved off and in a few minutes safely gained the pier. Without a moment's delay, the life-saving crew put back again to the wreck. They were now put to their mettle by the conviction that the steamer was fast breaking up, and within an hour they accomplished four trips and saved forty-four persons, being every soul on board. "I cannot," says the keeper in his official report, "speak in too high praise of my crew. On leaving the wreck with my first load, I told them that it would not be long before she went to pieces by the way her stanchions were cracking and her cabins settling. They responded by bending to their oars with a will and in making the four trips inside of an hour."

The team with the Lyle gun and apparatus arrived upon the dock just as the last boat-load of people from the wreck were landed. The gun and other appliances, together with the surf-boat, were sent back to the station, but the crew remained, and at six o'clock in the evening, the wind and sea having abated, they went out to the wreck in a fish-boat and brought back the luggage of the passengers and crew, and a part of the cabin and stateroom furniture, which they stored in a shanty on the dock. The night was spent by the men in two-hour watches on the dock, organized to guard the property brought ashore and that still remaining on the steamer. Early the next morning (September 5) they again visited the wreck in a fish-boat and helped to bring away another load of the vessel's furniture. At half past eleven o'clock of that day, their duty being fully accomplished, they returned to the station.

September 8.—The schooner *Three Brothers*, bound from Cleveland,

Ohio, to Milwaukee, Wis., laden with coal and having on board a crew of eight men, stranded at 2 a. m., during a gale in thick weather, outside of North Point Reef, Thunder Bay Island, Lake Huron, four miles from Station No. 6 (Thunder Bay Island, Mich.), Tenth District. She was seen by the lookout of Station No. 6 at 6 a. m., and the life-boat crew immediately went to her. They found her in great danger, and returned at once to shore at Alpena, taking her captain with them to obtain a tug. As soon as one was engaged they returned to the vessel and assisted in throwing overboard about 200 tons of coal, and so lightening her that on the morning of the 9th she was pulled off in safety.

September 10.—A small sloop, having on board two men, bound from Miller's Station to Chicago, capsized at the entrance of the harbor, at four o'clock in the afternoon. The accident was seen by the lookout at Station No. 11, Eleventh District, and the crew at once went in the surf-boat to their assistance. When they were about fifty yards from the sloop, a tug came up, took the two men from the water and returned with them to the shore, landing them at the station. In the mean time the life-saving men righted the sloop and saved a part of her cargo of rags, which was afloat. Reaching the station, the keeper finding there the rescued men cold, wet, and exhausted, gave them some hot brandy from the medicine chest of the station and provided them with dry clothes. The men were succored at the station for a day and a half, when they were well enough to leave for home.

September 13.—The steam scow *Josephine*, with a cargo of sand and having on board five sailors, bound from Milwaukee, Wis., to South Point, Wis., became unmanageable on account of some injury to her machinery, and dragged ashore, where her stern pounded, there being no hold for her anchor. The crew of Station No. 15, Eleventh District, went to her assistance with the surf-boat, and carried her hawser to a tug, which pulled her off and towed her into harbor.

September 18.—The schooner-propeller *G. P. Heath*, loaded with lumber, stranded about thirty rods from the beach at Saint Joseph, Lake Michigan. The accident occurred at 1 o'clock a. m., and in a short time the crew of Station No. 10, Eleventh District, came alongside in the surf-boat. The heavy sea and the darkness of the night made the crew of the propeller (five men) refuse to venture their lives in the surf-boat, which consequently returned with only its own crew to the shore. After beaching the boat the station men occupied themselves with pulling in and piling up lumber that washed ashore from the wrecked schooner until 7 a. m., when the sailors on board the wreck signaled them to return to their rescue. Four of the life-saving crew and one volunteer launched the boat again, pulled through the surf, and brought the five men safe to land.

September 21.—The schooner *Blue Bell*, having on board a crew of six men and one passenger, missed the channel and ran aground at 6.30 p. m. on the bar at the entrance of the harbor at Two Rivers, Wis. The keeper of Station No. 17, Eleventh District, Lake Michigan, went to secure the services of a tug, and finding the captain ill, induced the engineer to take command, and sent one of his own men to run the engine. The surf-boat was then launched, and for over two hours ran hawsers from the schooner to the pier in aid of the operations of the tug, which at length resulted in getting the vessel off and into the harbor.

September 29.—A surfman belonging to Station No. 15, Eleventh District, saw a horse hitched to a lumber wagon, containing five boys, back off the wharf into the Milwaukee River opposite the station. He at once gave the alarm, and put off in a skiff with another surfman to the res-

cue. In a few minutes the men arrived alongside of the floundering horse and half submerged vehicle. Two of the boys had managed to regain the wharf, two were clinging to the wagon, and one, holding on underneath, was momentarily immersed, owing to the struggles of the horse, and would have been soon drowned had he not been dragged into the boat together with the other two boys. The traces were then cut, freeing the horse from the wagon, and the animal's head, by means of the bridle, was rested on the gunwale of the boat, which was rowed as swiftly as possible to a landing place easy of access on the opposite shore. The vehicle was afterwards recovered by the same surfman.

October 2.—The barge *J. W. Hanaford*, bound from Bay City to Chicago, with 400,000 feet of lumber, parted her tow-line from the steam-barge Algona, about five miles south of Sheboygan, Wis., and let go her anchor, but the chain parted and she drifted ashore at 9 a. m., five miles south of Station No. 16, (Sheboygan, Wis.), Eleventh District, Lake Michigan. The wreck was discovered through the fog by the station patrol, and the crew put out at once in the life-boat against a fresh southeast wind and high sea. They arrived alongside the barge at one o'clock in the afternoon, after a hard pull, and assisted to lighten her of about 60,000 feet of lumber, after which a tug pulled her off without further damage than she had already sustained in the loss of her anchor.

October 5.—At 7.30 a. m., the schooner *Mary Lyons*, of Rochester, N. Y., bound from Cleveland, Ohio, to Milwaukee, Wis., being in tow of the harbor tug, was run, owing to the thick weather, on to the North Point Reef, about five miles from Station No. 15, Eleventh District, Lake Michigan. At 10 a. m. word of the disaster was received at the station, and the surf-boat in tow of a tug, and accompanied by a lighter and twenty men beside the life-saving crew, proceeded to the schooner. The life-saving crew ran out lines to the schooner and assisted in transferring her cargo of coal to the lighter. In less than two hours fifty tons were lightened and the vessel floated. The service was rendered none too soon, for within an hour a heavy southeast surf set in which would have battered the schooner to pieces.

October 9.—On the morning of this date a steam-whistle was heard sounding a signal of distress directly off Station No. 2, Tenth District, Lake Huron. A dense fog was prevailing, and the life-saving crew, having launched the surf-boat, soon lost sight of land, but following the sound of the whistle made their way to the vessel, which proved to be a large steamer, the *Roanoke*, of Buffalo, N. Y., with a cargo of 31,000 bushels of wheat and five hundred barrels of flour. She had grounded on the outer reef, two miles from land, in eleven feet of water. After learning the situation, hearing a whistle outside answering that of the *Roanoke*, the life-saving crew rowed in that direction hoping to obtain help for the grounded vessel. Two tugs were found, and successively piloted to the steamer, but their united efforts could not pull her off the reef. The crews of the station and vessels then went to work and threw overboard all her flour, 5,000 bushels of wheat, and 20 tons of coal, laboring steadily until 4 a. m. of the next day, when the vessel was relieved and went on her way.

The day after, the station crew recovered thirteen barrels of the flour and shortly after turned them over to the owner.

October 12.—At 4 o'clock p. m. the schooner *Racine*, bound from Muskegon, Mich., to Chicago, having a cargo of lumber and a crew of six men, ran ashore in a dense fog seven miles north of Chicago. The first mate got ashore in a boat and went to Chicago to procure the services

of a tug, at the same time notifying the life-saving crew of Station No. 11, Eleventh District, of the disaster. The surf-boat was at once prepared and launched ready for the tug, but, after waiting an hour, the discovery was made that the tug's captain refused to venture out on account of the threatening storm. The surf-boat was then beached, a team hired, and the boat taken on its carriage to the scene of the wreck, when it was again launched and the vessel reached by ten o'clock at night. She was found lying easy, and her crew refused to go ashore, as they were expecting a tug, which appeared at 12.30 a. m. the next day. The life-saving crew had meanwhile returned to the beach and waited. All this time there had been a pouring rain, and the crew were wet through. On the arrival of the tug the surf-boat was relaunched, and, pulling out to the schooner, ran a line from her to the tug, which, after a part of the schooner's deck-load had been thrown overboard, pulled her off safely. The life-saving crew on the way to the *Racine* had descried another schooner, the *M. E. Collins*, ashore, but found that she was not in need of immediate assistance. After concluding their work with the *Racine* they pulled to the *Collins*, and finding that her crew had left her, went on to the station, arriving at 4.30 a. m.

October 12.—The schooner *Thomas Sims*, bound from Menominee, Wis., to Chicago, Ill., with lumber, and having on board a crew of five men, stranded during a dense fog at 5 p. m., about eight miles from Station No. 12, Eleventh District, Lake Michigan. By the first train the next morning word was taken to the station of the disaster. A team was at once procured and the boat on its trucks drawn to the shore, which was reached at 11.45 a. m. The fog was so heavy that nothing could be seen at a distance of twenty-five yards, and at that portion of the shore the banks are ninety feet high, very nearly perpendicular, and scaled by a stairway. The boat had consequently to be lowered by means of lines, and was launched at 12 m., taking the direction indicated by a person on the shore who claimed to have seen the vessel. After three-quarters of an hour's search in the thick fog the schooner was discovered hard aground. The crew were found to be out of provisions, and preparing to cast off the deck-load. The life-saving men started immediately to look for a tug, a task dangerous as well as difficult, as a northeast storm was threatening. After two hours' search a tug was found two miles distant, which the life-boat piloted to the schooner. By this time the darkness and fog had so increased that it was deemed imprudent to return to the station, and the life-saving crew turned to and helped to transfer the vessel's load to the lighter. At 1 a. m. of the next day, the fog lifted and the life-boat returned to the station.

October 15.—The schooner *Mist*, bound from Oswego to Big Sandy, Lake Ontario, with a cargo of corn, shorts, and kerosene oil, stranded during a fog on the bar at the mouth of Big Sandy Creek, and the crew of Station No. 1, Ninth District, seeing her signal hoisted, pulled off to her in the supply-boat, and assisted in getting her in over the bar. To do this they were obliged to lighten her by throwing overboard the barrels of kerosene, which they afterwards hoisted again on deck, and helped the vessel to get under way.

October 15.—The lookout at Station No. 2 (Salmon Creek, New York), Ninth District, Lake Ontario, heard at 5.30 a. m. a steamer outside, and knowing at once that she must be out of her course, he called the crew, who launched the life-boat in haste, and rowing out upon the lake found the steamer *Robb* towing the schooner *Bently* directly towards the shore. The vessels were not half a mile off, and in ten minutes would have been

aground on the bar but for their timely warning. Owing to the smoky weather they had missed Oswego, into which port they thought they were standing. The keeper gave them their course for Oswego, and returned to the station.

October 15.—At noon the steamer *B. F. Ferris*, bound from Put in-Bay to Sandusky, Ohio, lost her reckoning during thick weather, and stranded on the rocks half a mile northwest of Marblehead Light, Lake Erie. The crew of Station No. 9, Ninth District, went immediately to her assistance with both life and surf boats, reaching her half an hour after the accident. Both boats were used in lightening her of part of her cargo of fruit and fish, and the balance being shifted the vessel was enabled to back off the rocks with her engine. She had a crew of eight persons besides eight passengers on board.

October 21.—The schooner *Volunteer*, bound from Bay of Quinte to Port Ontario with a cargo of lumber, and having a crew of three men, struck at seven o'clock in the morning on the sand beach at the mouth of Big Salmon River (Port Ontario). The lookout at Station No. 2, Ninth District, five miles away, saw the stranding, and at once reported it to the keeper. The crew, with the surf-boat laden with proper appliances, immediately got under way, and reached the scene of the disaster at eight o'clock. After nearly three days' labor the life-saving crew, with the aid of the three men on board, succeeded in getting the vessel and cargo off and taking them into port.

October 21.—The fishing-schooner *Winnie Iona*, of Fairport, Ohio, was dismasted while out on the lake, four men being on board engaged in examining their nets. The accident occurred about a mile west of Station No. 7, Ninth District, Lake Erie, and in twenty minutes afterward the life-saving crew were on the way to the rescue, and brought the men and their craft safe to harbor.

October 21.—The schooner *Vampyre*, of Ashtabula, Ohio, with a crew of seven men, stranded upon a shoal about one and a quarter miles south of Station No. 4, Tenth District, Lake Huron. The life-saving crew reached her at six o'clock in the morning, ran out her anchor into deep water, and spent the remainder of the day in endeavoring to work her off the shoal, a task finally accomplished with the assistance of two tugs which arrived in the afternoon.

October 22.—At eleven o'clock at night, the schooner *Cora*, from Muskegon, Mich., laden with lumber and having four men on board, in attempting to enter the harbor of Saint Joseph, Mich., was misled by the range of lights, and struck the pier. The crew of Station No. 10, Eleventh District, Lake Michigan, went at once to the rescue, landed the four men on the pier by means of lines, and gave them shelter at the station. An attempt was made by the life-saving crew to hold the schooner to the pier by a hawser, but it parted, the sea being very heavy, and the vessel fell away and stranded.

The captain and owners of the *Cora* published the following card of thanks, in the local papers:

> We, the undersigned, wish to thank the life-saving crew of Saint Joseph for their promptness in attempting to save our boat, in saving our lives, and their generous hospitality.
>
> Captain FISH, *Commander Schooner Cora.*
> ALLMANDINGER & HULL,
> *Proprietors.*

October 23.—The schooner *Eliza Gerlach*, of Cleveland, Ohio, while being towed into harbor at Buffalo, N. Y., parted her hawser and drifted on to the old breakwater. The life-saving crew of Station No.

5, Ninth District, Lake Erie, went out in the surf-boat at once to her relief, but before their arrival the captain had scuttled her, to save her from greater injury. They remained by until vessel and crew were out of danger.

October 23.—The schooner-barge *Roscius*, with a cargo of lumber and crew of six men, in tow of the steam-barge *Missouri*, arriving at the new breakwater at Buffalo, let go her line for a small tug to tow her into port, but the tug not coming up she drifted on the reef outside the piers and stranded. The accident occurred at 5 a. m., and was seen by the lookout of Station No. 5, Ninth District, Lake Erie. The life-saving crew went out to her immediately in the surf-boat, but their assistance was not needed.

October 23.—On the same day and hour, the barge *L. J. Farwell*, also in tow of the *Missouri*, let go her line and also drifted off, stranding on the reef. The crew of Station No. 5 also went to her, but their assistance was not required.

October 23.—A fishing-boat laden with salt and fish barrels, and having two men on board, was dismasted about eleven o'clock in the forenoon, during a heavy snow-squall, about two miles from Station No. 4, Tenth District, Lake Huron, and, having no anchor and only one oar, was rapidly drifting out upon the lake in a helpless condition, in danger every moment of being swamped in the increasing sea. The keeper was on the beach at the time, at some distance from the station, and fearing that if he waited to get the assistance of his crew the men on board the boat would be lost, he started after them alone in the station supply-boat, under sail—this being near at hand—overhauled them, took their boat in tow, and brought them safe to land near the station.

October 24.—The Canadian brigantine *H. Roney*, from Kingston, Ontario, sprung a leak and foundered three miles east of Station No 4, Ninth District, Lake Ontario. At 7.35 a. m. report was brought to the station, and the crew were soon on the way with their boat, in tow of a tug, to the scene of disaster. On arriving, they found that the captain and crew (eight men) had gone ashore in the yawl-boat without warning the cook, a woman, who was asleep and was drowned in her berth.

October 26.—The schooner *F. B. Gardner*, of Chicago, Ill., stranded on the rocks on the Canada shore, about five miles west of Buffalo, N. Y. The disaster occurred at five o'clock in the morning, but no distress-signal was made until three hours after, when it was seen by the look-out at Station No. 5, Ninth District, Lake Erie, and the surf-boat was launched and went out to the vessel. A tug was already at the scene of disaster, but could not get near enough to the schooner to afford assistance, and the surf-boat was of service in running out the hawser from the stranded vessel to the tug, and when it broke under the strain in performing the service again. The life-saving crew then pumped out the schooner, thus enabling her to be pulled off the rocks more easily, and having seen this done, and the vessel and crew out of danger, they returned to the station, which they reached by six in the afternoon.

October 27.—At 11 p. m. the patrol of Station No. 6, Tenth District, Lake Huron, reported a fish-boat stranded on a reef at the north end of Thunder Bay Island. The crew went immediately to the place and found a fish-boat, owned by F. R. Merrill, of Detroit, ashore. She was laden with 2,000 pounds of fish, and lay close in, so that the life-saving crew waded out to her. After working about an hour in the water, which was very cold, they got her off and took her to Sugar Island for harbor. The captain said his rudder had unshipped in the heavy sea, and the boat, becoming unmanageable, had drifted ashore.

October 28.—The wreck of the *Amazon* was the most notable of the season. She was a large and staunch four-masted twin-screw steamer, of 1,406 tons, 245 feet in length, and 40 feet beam, belonging to the Northwestern Transportation Company, and plying upon Lake Michigan, between Grand Haven, Mich., and Milwaukee, Wis., under the command of Capt. James Fraser. On October 27, at eleven o'clock at night, laden with about 900 tons of flour, pork, and sundries, and having sixty-eight persons on board, her officers and crew being thirty-two in number and the remaining thirty-six being passengers, she left Milwaukee on her regular trip in a northwest blow, which was not, however, violent until toward morning, when the wind increased to a fierce gale, raising a very heavy sea and surf. The steamer arrived opposite Grand Haven at about eight o'clock in the morning, and attempted the passage between the piers which make out into the lake from the river at that place, forming the entrance to the harbor. The wind and sea were furiously driving in an oblique direction toward the end of the piers, over which the great waves were curling, and, despite the best calculation, they swept the steamer aside from the entrance and carried her about 800 feet to leeward of the south pier and almost on to the bar. For a moment it seemed as if she were lost, but suddenly, to the astonishment of the spectators on the beach and piers, she backed, and with her powerful double engines and wheels tore her way out of the breakers. Fairly out in the lake again, she steamed away to the north for more than a mile, turned and again bore down upon the piers, laboring heavily through the water, the activity of her steam-pumps indicating the leak that was already gaining upon her. The aim was to make in by hugging the north pier, and it was so well directed that she nearly effected the entrance, but, at the very mouth of the piers, while she hung surging and staggering in the struggle to get in, the gale and the tremendous undertow slowly but irresistibly bore her past the southern pier-head and on to the bar below. From that moment all was over with her. She had struck the bar with her bow, and gradually her stern swung around to the south, giving her broadside to the breakers, which now broke upon her whole length, streaming over her hurricane deck, while the spray flew in columns as high as her cross-trees. Although much enfeebled through the racking and straining to which her frame was subjected, her engines continued to work in the desperate effort to get her beyond the masses of water incessantly flung upon her, and which were battering her into a ruin, and by ten o'clock she had gradually worked up nearer to the south pier, without, however, getting beyond the destructive action of the breakers.

While this lamentable scene was going on, the crew of Life-Saving Station No. 9, Eleventh District, were not idle. The keeper being absent through illness, Mr. Louttit, the superintendent of the district, had had the surf-boat brought across the river from the station on the north side, and had assembled the men upon the piers, and endeavored to throw lines to the steamer upon her successive attempts to make the harbor, with the view of aiding the entrance by holding her to the dock. These endeavors failing on account of the steamer not getting on either occasion sufficiently near, the crew, with the intention of setting up the hawser and hauling lines for rescue by the life-car, embarked from the beach in the surf-boat, carrying out a line, the slack of which was paid from the pier by a group of sailors. This dangerous expedition (which was undertaken because the wave-swept condition of the piers made it impracticable to employ the wreck-gun) was finally so embarrassed by the line that the latter had to be cut, the boat being in danger of swamp-

ing and unable to make her way through the heavy seas. The crew, however, finally contrived to bring their boat alongside of the steamer, their object being to run back a line from the vessel to the shore, but it was found that unfortunately there was no line on board long enough for the purpose. The passengers, huddled together under the bulwarks and pilot-house to escape the seas incessantly breaking over the decks, shrank from the solicitations of the life-saving crew who wished to take back a boat-load of them, and only three of the whole number who saw the daring surf-boat half filled with water, which the men were bailing, could be persuaded to risk the return passage through the terrible seas; these three the boat soon landed on the beach in safety, though well drenched. Meanwhile, a lot of freight was discharged into the sea from the leeward gangway, somewhat lightening the vessel, which continued to work slowly under the stubborn though failing action of the machinery, until she was within about fifty yards of the pier, when by a bold cast of the heaving-stick a line was thrown on board the wreck. By this the hawser and the hauling-lines for the employment of the life-car were now run out.

Meanwhile the breaking up of the vessel continued with increasing rapidity. A little after ten o'clock the first fragments of the hurricane deck had begun to strew the water. The hull was so heavily freighted and so imbedded in the sand that it did not pound much, but the gale and sea were smashing and splintering everything. The stanchions of the deck were giving way, and the boats hanging on the windward side of the bulwarks were beating to pieces against the hull; one of them especially got loose and battered against the cabin with such force as to breach its walls. Captain Fraser, at the peril of his life, got over the deck with an ax, and, although several times actually buried in the flooding seas, succeeded in cutting the boat loose. The sea, however, still continued the destruction of the cabin, wrenching off piece after piece, until soon there was a large hole in the west side, through which the water swept without impediment. At the same time it was noticed from the shore that the ends of the steamer were lower than the middle, indicating that the vessel was broken in two and her wreck accomplished.

It was at this hour (eleven o'clock) that the life-car made its first passage out to the steamer, the hawser and hauling lines having been set up to the foremast with their shore ends made fast to a timber of the pier. One of the life-saving crew, John Vissel, went out in the life car to superintend operations, and from the moment that he was seen from the shore, standing on the deck of the Amazon, it was generally felt that the people on board were safe. This confidence was not without warrant, for in an hour and a quarter every one on board was landed, being sixty-five persons, exclusive of the three persons landed by the boat. The first trip of the car brought ashore four ladies and a little girl; after which the hawser was doubled to prevent possible accident and the lines carried ten feet higher up the mast above the piiot-house, so as to keep the car well away from the sea. The remaining six ladies on board came in the next car, followed in successive trips by the male passengers and the crew, the captain being the last to leave the vessel. The life-car made fourteen trips in all, the last two or three being devoted to bringing ashore the United States mails and the baggage of the passengers. A dog was also brought ashore. The vessel was a total wreck.

October 28.—During a violent gale the crew of Station No. 17, Eleventh District, Lake Michigan, discovered a dismasted schooner on the lake,

southeast of the station. They launched their boat, procured a tug to assist, went out to her a distance of eight miles, assisted to get her in tow, and lay by her until they saw her safely under way. She proved to be the schooner *Nelly Wilder*, with a cargo of coal, bound for Milwaukee. There were nine persons on board.

October 29.—The steam barge *William Edwards*, of Huron, Ohio, with a cargo of coal and sixteen persons on board, brought up on the bar at the entrance of the piers at Cleveland, close to the east one. The crew of Life-Saving Station No. 8, Ninth District, Lake Erie, close at hand, saw the occurrence, launched the life-boat at once, and in ten minutes had boarded the barge, and by means of a hawser run from the starboard quarter of the vessel to the end of the west pier, kept her from pounding on the pier next which she lay, while two steam tugs engaged in getting her off, which they succeeded in doing with but comparatively little damage to the vessel.

October 30.—The Canadian scow *Mary Lydia*, bound from Kingsville, Canada, to Sandusky, Ohio, sprung a leak during heavy weather, and capsized at three o'clock in the morning, about three miles north of Station No. 9, Ninth District, Lake Erie. She was discovered by the station patrol with her crew of five men clinging to her, and in ten minutes the life-boat was on the way to the rescue. Meanwhile, however, the steam-barge *Bay City*, which was not more than half a mile distant from the capsized scow, started for the men, picked them up, and took them on board of a tow-barge in her wake. The life-saving crew boarded the barge and found that the rescued men had been cared for as well as possible, but were nearly perished with wet and cold. They gave them restoratives from the station medicine-chest, got them as warm a possible, and took them in their boat to Sandusky, in order that one of the men, whose hands were badly wounded, might have surgical attention, and where the captain wished to procure a tug to endeavor to save the scow.

November 2.—A new schooner, not yet named, and having on board three men, was in tow of a tug from Oswego, N. Y., to Big Sandy, N. Y., where she was to be fitted out, and near the latter place was caught in a severe storm. The tug, owing to the heavy sea, dared not venture into port with her, and the life-saving crew of Station No. 1, Ninth District, Lake Ontario, launched the surf-boat, pulled out to her, took her line, and towed her inside.

November 2.—At three o'clock in the afternoon the schooner *Helena*, laden with iron ore, and having a crew of nine men, lost her foremast and main-topmast during heavy weather, about twenty miles from Cleveland, Ohio. Two of the crew were badly injured, one having his leg and another his arm broken by the falling spars. The following morning, November 3, at sunrise, the vessel was seen by the keeper of Station No. 8, Ninth District, Lake Erie, four miles northwest of Cleveland, and he immediately secured a tug, which took the life-boat in tow and conveyed it alongside the *Helena*. After some difficulty, owing to the very heavy sea, the life-saving crew boarded her. They found her leaking badly, and her crew exhausted from long working at the pumps. The life-saving crew at once relieved them, manned the pumps, and worked steadily until 8 o'clock in the evening, when the sailors took hold until midnight, at which time they were again relieved by the life-saving men, who pumped until four o'clock in the morning of the 4th. By six o'clock the weather had so moderated that they were able to heave her anchor short and put her in tow of the tug, the life saving crew remaining at the pumps until nine o'clock, when they arrived at the dock. Here they assisted in clearing up the deck, topping up the main-boom, and helping in other matters until they were no longer needed.

November 2.—During a fearful snow-storm the schooner *Ithaca*, laden with pine lumber, and having a crew of six, with one passenger, struck on the bar ten rods from the north pier at Saint Joseph, Mich., and was totally wrecked a little after midday. The crew of Station No. 10, Eleventh District, on their way to dinner saw the vessel in distress, and at once put the surf-boat on a wagon, and, with the assistance of a number of volunteers, dragged it through the heavy and unbroken snow to the lake, launched, and pulled out, and brought ashore the seven men, whom they succored at the station. The following card of thanks was pubiished in the local papers the next day:

SAINT JOSEPH, MICH., *November* 3, 1879.

We, the undersigned, captain, mate, and crew of the schooner *Ithaca*, of Chicago, Ill., owe our lives to the life-saving crew of Saint Joseph for rescuing us off the schooner *Ithaca*, while going to pieces north of the north pier of Saint Joseph, November 2, 1879, in the afternoon, about one o'clock.

WILLIAM SULLIVAN, *Captain.*
BUD WILKINS, *Mate.*
JAMES KANE,
J. S YOUNG,
JOHN KELLY,
HENRY PAULSON,
JOHN SEEFORD,
Sailors.

November 2.—The steam-propeller, *Menominee*, with a heavy cargo, and having twelve passengers, and a crew of twenty-five men, stranded, during a thick snow-storm, the wind being fresh, with a heavy surf, in White Fish Bay, about eight miles north of Station No. 15, Eleventh District, Lake Michigan. The place of disaster was four miles beyond the beat of the station patrol, being, moreover, hidden by the curvature of the coast, and, as the casualty took place late at night, it was not reported to the life-saving crew until after 10 o'clock the following morning, when information was brought to the station by the master of the tug *Hagerman*. The surf boat, equipped with a hawser, was immediately manned, and proceeded in tow of the tug to the wreck, alongside of which it came a little before noon, and took on board three male passengers and the purser of the steamer, whom it transferred to the tug *Sullivan*, which was lying off and on a mile to windward, the surf being too rough for the tugs to venture farther in. The surf-boat then made a second trip, bringing off four women and two children, and also one male passenger. The remainder of the passengers, one of them an elderly lady, were too timid to trust themselves in the surf-boat, and remained on board the steamer. The weather was bitterly cold, and the life-saving crew, being much exhausted by these labors and their exposure, returned to the station in tow of the tug *Sullivan*, and ate a hasty meal; after which they exchanged their hawser for a handier running line, and returned in tow of the tug to the wreck, which they reached by four o'clock in the afternoon. From this time until half-past two o'clock the next morning the crew were occupied in running lines between the steamer and the tugs or carrying messages between them, never leaving their boat for this period. A stout hawser was finally run from the steamer to the tug *Welcome*, and she was hauled off, and subsequently got into dock at Milwaukee, having sustained little damage. The life-saving crew suffered a great deal from cold and exposure during their long and arduous labor, their boat being all iced up, and they themselves covered with frozen spray. They received great praise from the master and owners of the steamer, who credited them with saving the vessel and cargo and the lives of the

passengers, since without their aid the tugs could probably have rendered no assistance.

November 3.—The schooner *Addie* was discovered by the keeper of Station No. 10, Eleventh District, Lake Michigan, with her colors at half mast, two and a half miles from the shore. It was snowing hard and freezing, and the wind and sea were heavy. The life-boat was at once launched and an attempt made to secure the services of a tug, which proved ineffectual on account of her draught being too great for the water on the bar. A fishing-tug was then obtained, and the life-boat taken out in its tow to the schooner, which was found badly iced up and her crew of three men utterly unable to manage her and in much suffering from the fearful cold. The life-saving crew at once went to work and in an hour the vessel was towed safely into harbor.

November 3.—The schooner *Reindeer*, laden with lumber and having two men on board, was cast, during a heavy snow-storm, with the sea running high, on the beach near Lincoln Park, above Chicago, Ill. She was discovered early in the morning by the patrolman of Station No. 11, Eleventh District, Lake Michigan, who, on his way to the station, took the precaution to hire a team to draw the boat-carriage. Matters thus expedited, the boat was launched in an hour and a half from the discovery of the wreck. The life-saving crew found the schooner covered with ice, and had much difficulty in getting and keeping the surf-boat close alongside while rescuing the men, the current being so strong as to force the boat broadside to the sea, and also causing her to ship considerable water, which kept one man bailing as actively as possible while the boat was backed into the shore. The rescued men were wet to the skin and their clothing frozen stiff. As soon as they were landed they were put in a wagon, being unable to walk, and taken to the nearest house and left with its occupants for proper care, one of the surfmen remaining to assist. The surf-boat was considerably injured in the undertaking, having one of her planks stove in. The *Reindeer* was an entire loss, but a portion of her cargo of lumber was saved.

November 6.—The schooner *Gold Hunter*, loaded with iron, while scudding before the wind during a heavy gale accompanied with sleet and snow, ran ashore on the southeast bar of Black River Island, ten miles north of Station No. 5, Tenth District, Lake Huron. The disaster occurred at 5 o'clock p. m., and the crew, eight in number, landed in their own boat. No signal of distress being made and the weather being very thick, the life-saving crew did not become aware of the disaster until the morning of November 8, when they at once proceeded to the schooner in their surf-boat and offered their services, but as a tug and steam-pump had been applied for, their offer was declined. Directing the schooner's captain to display a flag at half-mast should there be subsequent need of their services, the life-saving crew returned to the station at 2.30 p. m., having been absent six and a half hours and having rowed twenty miles through the bitter cold.

November 11.—The Tug Company at Milwaukee, Wis., received a dispatch calling for a tug and boat to go to the assistance of the schooner *Spy*, which had stranded just after leaving her pier at Oak Creek, Lake Michigan, with a crew of four men and a cargo of brick. The master of the tug *Coe* brought word to Station No. 15, Eleventh District, and the surf-boat was immediately launched, taking a three and a half inch hawser, and in tow of the tug started for the wreck. There was a heavy sea and pouring rain, with a fog so dense that, after a vain search for the schooner, the tug refused to risk going farther, and the life-saving crew were obliged to return to the station, which they only reached

after groping about in the sea for four hours. The schooner was subsequently got off.

November 15.—An intoxicated man attempting to cross the river in a skiff at Charlotte, N. Y., capsized his boat and fell overboard. A surfman of Station No. 4, Ninth District, Lake Ontario, saw the accident, which occurred about eight hundred yards from the station, went to his assistance, and rescued him.

November 16.—The schooner *Hattie Howard*, of Oswego, N. Y., with a cargo of lumber and a crew of seven men, broached to in getting into harbor at Oswego, and was driven ashore against the west pier, one hundred and fifty feet from the light-house. The crew of Station No. 3, Ninth District, Lake Ontario, immediately launched the surf-boat and went to the scene of disaster. They found the vessel lying about fifty feet from the pier, rolling heavily, and fast becoming a total wreck. They threw a heaving line aboard of her, which was passed around the main boom and back again to shore, thus converting it into a whip-line, by means of which the crew were safely landed. The vessel was lost.

November 17.—The schooner *Sasco*, bound from Erie, Pa., in trying to make the harbor at Fairport, Ohio, during a blinding storm of rain and sleet, and northeast gale, missed the piers and was driven ashore to westward of the harbor, and about half a mile from Station No. 7, Ninth District, Lake Erie. The disaster occurred at ten o'clock at night. The keeper and crew of the station placed the surf-boat on its wagon and dragged it to the beach opposite the wreck, launched it, and pulled off through the raging surf to the wreck. Only one of the schooner's six men could be persuaded to venture his life in the turbulent sea. When he was safely landed, two men were left to watch on the beach and the keeper and remainder of the crew returned to the station for the mortar and beach apparatus. On their way back to the wreck with the apparatus they were met by the watch, who reported that the vessel had swung around over the outer bar, driven close in to the beach broadside on, and that the crew were calling for help. They immediately lightened the cart of gun and shot and ran at full speed over logs and sand through the darkness with the remainder of the apparatus to the wreck. A heaving-line was thrown to the vessel, the whip-line hauled off, the hawser rigged and set up, and the five frightened men brought safely to shore in the breeches-buoy. They were accommodated at the station with beds and food, and the next day measures were taken to obtain for them free passes by railway to Erie, as they were destitute of money.

November 19.—At eleven o'clock at night the patrol of Station No. 8, Ninth District, Lake Erie, reported that a large three-masted schooner was dragging on the old Lake Shore Depot Pier. The river and pier being between the station and point of disaster, and the railroad bridge being swung away so that the life-saving crew could not cross by it, they launched their boat, crossed the river, and carried the boat over the pier abreast of the schooner. They now found it impossible, on account of obstructions, to launch the boat. They therefore pulled back to the station, got out the beach apparatus, and sent word to the bridge-keeper that they wished to cross. When they were ready to start the bridge was still swung away, and they had to drag the hand-cart and apparatus a mile around to the Lake Shore and Michigan Southern Railroad yard. To get across this they had to clear away obstructions, and finally, before they could get a favorable place to plant the gun, were obliged to move four sleeping-cars with tackles. When this task was accomplished, and the mortar placed, one shot took the line over the vessel, and the whip-line and hawser were sent aboard. One man had

been landed by this means, when the schooner, which proved to be the *Sumatra*, from Marquette to Cleveland, Ohio, with a cargo of iron ore and a crew of nine men, parted her chains and drove stern on into the old pier and depot, smashing and staving in the pile dock and carrying such swift destruction before it that it was with great difficulty that the Lyle gun was saved, which was only done by the presence of mind of one of the men, who seized the piece when the dock began to go and hauled it away up the pier. A number of the appurtenances of the gun were lost in the sudden destruction of the dock, and several sleeping-cars were only saved from going into the lake by the men seizing and hauling them away up the pier. The hawser, meanwhile, remained fast to the *Sumatra*, and by means of this to steady themselves by, and the whip line to draw them in, the six remaining men were safely landed, the rescue being effected in the most rugged and ugly place to work in conceivable and under strangely untoward circumstances.

November 19.—The scow *C. Rich*, of Detroit, Mich., bound, with a crew of three men, from Sandusky, Ohio, to Port Huron, Mich., broke her chains during a heavy northwest gale and snow-storm, and was discovered by the patrol of Station No. 9, Ninth District, Lake Erie, at midnight, fast drifting on to the shore. The life-saving crew went immediately to her assistance. The gale was so strong that she beached before anything could be done to save her; but by means of a line thrown from the vessel and made fast on shore, the crew were landed in safety. They were taken to the station, made comfortable, and sheltered for the night.

November 19.—Just after the rescue of the men from the scow *C. Rich*, the schooner *New Hampshire*, of Detroit, Mich., bound from Sandusky, Ohio, to Detroit, with a crew of four men, was seen coming ashore, and her captain, who attempted to land in a small boat, was in imminent danger of being drowned, and was only saved by three of the crew of No. 9 wading into the breakers and taking him out of the boat by main strength to the land. The boat was also dragged ashore by the crew. A line was then thrown from the schooner and made fast on shore by the life-saving men, by which means the sailors were helped ashore.

November 19.—Before the crew of Station No. 9 had left the beach the scow *J. A. Saunders*, of Port Huron, Mich., bound from Huron, Ohio, to Port Huron, with four men on board, dragged her anchor and was stranded near the other two vessels, driving high up on the beach. The life-saving crew assisted in grappling for and recovering her anchor and placing it to hold her until the water should rise so that her crew could heave her off.

November 19.—The schooner *Maple Leaf*, bound, from White Hall, Mich., to Milwaukee, with a cargo of lumber and a crew of four men, encountered a heavy southwest storm and struck on the sunken cribs of the north pier at Grand Haven, Mich. The accident occurred at midnight, and was seen by the patrol of Station No. 9, Eleventh District. A line was thrown from the vessel to the pier, and after securing it the patrol hastened to give the alarm at the station. The keeper and crew went immediately to the wreck, which they found already full of water, lying with her jib-boom over the pier, and the sea, which was very boisterous, breaking over her aft. The keeper and two of his men boarded her by the jib-boom, and assisted the crew to secure the sails and rigging, and also to gather their personal effects and get them ashore. This done, they took them to the station and made them comfortable for the night. The life-saving crew would have been able to

save the schooner, but the schooner *J. A. Holmes*, which stranded at the same place a few hours later, unfortunately ran into her, dismasting and almost cutting her in two, so that she became a total wreck.

November 19.—Three hours later (3 o'clock a. m.), while the keeper of the station (No. 9) was still on the pier after the disaster to the *Maple Leaf*, endeavoring to take measures for saving her, the schooner *J. A. Holmes*, of Chicago, Ill., as above stated, crashed into her. As both vessels were being pounded to pieces by the furious collisions of the *J. A. Holmes*, the keeper directed her captain to scuttle her, which was done. The two vessels now lay so as to form a breakwater, and rendered it practicable for the keeper to get a boat to the *J. A. Holmes*, and rescue the six men on board, who were taken to the station and housed with those before rescued.

November 19.—The keeper and crew of Station No. 9 had their hands full on this night of storm and disaster. An hour after the stranding of the *J. A. Holmes* (4 o'clock a. m.) the schooner *Margaret Dall*, of Chicago, came ashore, and stranded about two hundred feet north of the north pier, where she was at once scuttled to prevent her from pounding to pieces. The life-saving crew made two trips to her in a boat, and brought off her crew of seven persons and their effects, and took them to the station, where they remained until 8 a. m.

November 19.—Almost at the same moment that the *Margaret Dall* stranded, the barge *C. O. D.*, of Grand Haven, which had been cut away from her tug on account of the violence of the wind and sea, was flung high upon the strand a couple of hundred feet from the *Margaret Dall*. The life-saving crew, after landing the men from the latter, went to the *C. O. D.*, but her crew refused to leave her.

November 19.—While the crew of No. 9 were still on duty at the scene of these disasters, the steam-tug *General H. E. Paine* struck on the bar and began to leak. She went about a hundred feet farther, and struck again on the end of the north pier and sank immediately. The life-saving crew went to her at once with the boat, and in two trips brought off her two passengers and crew of thirteen persons. In thirty minutes from the time the vessel struck the pier she was in pieces and out of sight.

November 19.—In the mean time, at 7.30 in the morning, the schooner *Mystic*, from Racine, Wis., with a crew of three men, when near the mouth of Grand Haven Harbor, broke her tiller, drifted to the lee shore, and stranded high and dry. The crew of the station went to her, but found that her crew had walked ashore. Nothing was required to be done in the case of this vessel until December 10 following (which date see).

November 19.—At seven o'clock in the evening the crew of Station No. 11, Eleventh District, observed a schooner making for the harbor of Chicago. The wind at the time was blowing a heavy gale, and when the vessel was at the entrance of the harbor headed her off and threw her against the breakwater. The surf-boat was immediately launched and taken to the scene of disaster. On arriving, it was found that the schooner was the *Clara Parker*, of Chicago, and that her crew had jumped to the breakwater and made her fast with lines. The keeper having offered his assistance, the captain begged him to return to Chicago and procure a tug. The life-saving crew at once set out on the errand, but the wind blew with such fearful force that they could not row against it, and they were obliged to walk back along the breakwater, towing the boat. In so doing a hole was stove in the boat by a sunken crib. The keeper again manned her, took to the oars, setting one man to bailing, and at

length reached the station, the boat being then half filled with water, and it and the men covered thickly with ice. The effort to get a tug was unavailing, none being willing to venture out. As it was known that, having lost her anchors, and as the ice was increasing, the schooner could not long remain lashed to the breakwater, but must be driven on the beach, a patrol of three men was kept on the beach all night. At 2.30 a. m. of the 20th, the schooner had drifted to a point four miles from the station, and fetched up at a pier, where she lay easy, and in such a position that her crew could walk off without help. Ten days later, on November 29, the crew of the station launched their surf-boat, went to the *Clara Parker*, and ran a line from her to a tug, which was to haul her off, the heavy sea having swamped the schooner's yawl-boat when attempting to carry the line. The surf-boat, by watching the lulls and taking advantage of opportunity, succeeded in getting between the heavy breakers and getting the line aboard.

November 20.—The schooner *Wacousta*, of Montreal, Canada, bound from Buckhorn, Canada, to Buffalo, N. Y., with a cargo of stave-bolts, and a crew of eight men, became unmanageable and water-logged during a gale of wind, and sunk at 8 o'clock p. m., about a quarter of a mile east of Station No. 6, Ninth District, Lake Erie. The occurrence was seen from the station, the surf-boat immediately launched, and in twenty minutes after she struck the schooner's crew were being taken into the surf-boat. They were in a very exhausted condition, from forty-eight hours' working at the pumps, and were taken to the station and cared for by the keeper's wife, while the life-saving crew went with their boat to Erie, for a tug to haul the schooner off. The lives of all the crew, the schooner, and the greater portion of her cargo were saved.

November 20.—On Tuesday, November 18, the three-masted schooner *Mercury*, laden with 251,000 feet of pine planking, left the harbor of Ludington, Mich., at noon, bound for Chicago. She was commanded by Capt. Louis Sterling, and had a crew of seven men, including a man cook. Off Little Point au Sauble, the wind shifted to the southwest and blew a gale, compelling the vessel to sail off her course and make for the Manitous. By ten o'clock in the forenoon of Wednesday, November 19, she reached Point Betsey, and by noon the wind hauled to the northwest, blowing with fearful violence, and accompanied by a blinding snow-storm, and the vessel lost a part of her canvas, her yawl-boat, a portion of her cargo, shipped several heavy seas, and became waterlogged. Her captain handled her with the foresail as well as possible, but could not prevent her from often falling into the trough of the sea and taking in floods of water. An attempt to run her under Big Point au Sauble failed, and finally, about nine o'clock on Thursday morning, November 20, she drifted ashore two miles south of Pentwater. Her condition was then dreadful. She was covered with ice, already beginning to go to pieces, and the furious seas so constantly broke over her that her crew were unable to keep on deck, and took refuge in the cabin. Here the water was over knee-deep, and the wretched men, in momentary expectation of their doom and unable to make any effort to reach the shore, were in danger of perishing from the cold before the breaking up of the vessel. They finally succeeded in getting the stove up on the cabin table and lighting a fire in it, up around which they huddled, thereby keeping themselves from freezing. They were almost famished, and their condition could hardly have been more deplorable. Several futile attempts for their rescue were meanwhile made by persons residing near Pentwater, the final effort being the launch of a yawl by three volunteers, which resulted in the boat

being capsized in the breakers, and one of the noble fellows, a man named Hawkins, being drowned. The nearest life-boat station was at Ludington, nearly fifteen miles distant, but the wires between that place and Pentwater were down, and it was not until seven o'clock that evening that a dispatch was got to Capt. Joshua J. Brown, the keeper, that the *Mercury* was ashore and her crew perishing.

The station (No. 7, Ludington, Mich., Eleventh District) was then in process of erection, and not, of course, ready for service. No crew had been enrolled, but fortunately a portion of the appliances, including the life-boat, had been sent on and were in store. The scene of the wreck was far beyond the sphere of the operations of the station, but the keeper, without a moment's hesitation, ran to collect a crew. It went like fire through the community that Captain Sterling had many times faced danger on Lake Michigan to save the lives of others, and there was a general desire that no effort should be spared to rescue him and his men. Nevertheless, the sea and the storm were so terrible, that when it became known that the services of a tug were necessary to tow out the life-boat, as without such aid the boat could not have got even out of the harbor, the regular tugs all refused to go, their owners knowing that the enterprise involved the probable destruction of their vessels. Finally the keeper applied to Captain Smith, of the little steamer *Magnet*, and this gallant man instantly accepted the hazard, started for the steamer, and in half an hour had her fires up and steam on.

Keeper Brown meanwhile had to rush up town and find the owner of the warehouse, where the oars and other appliances were under lock and key; then hurry to the boom which temporarily held the self-righting and self-bailing life-boat, and get the latter equipped for service. These preparations, including the muster of a crew, though made in desperate haste, consumed time, but by nine o'clock all was accomplished, and the little steamer, with the life-boat in tow behind her, ploughed out into the darkness on her dreadful voyage. The dangers and the terrors of this expedition, like the daring of the men who undertook it, are unreportable. The official statements show that in assuming the task of convoy, Captain Smith took into account the probable foundering of his steamer, and only ran the risk on the consideration that he would have a life-boat in tow, which in the event of his vessel being overwhelmed, might give him and his men a chance for their lives. The distance from Ludington piers to the wreck was, as previously stated, nearly fifteen miles, and all the way the sea flew incessantly over the steamer, and lashed her decks as she waded and staggered on her course; each sea making her captain question whether she would stand the next. Those who peered across her stern through the darkness and spray, could only at times see the life-boat, which the seas appeared to cover entirely, and whose safety was only assured to the anxious gazers at intervals when she arose from the burying waters.

For five miles of the distance between Ludington and Pentwater the lake shore is composed of precipitous clay banks, against which, in storms, the surf directly beats, making landing or refuge alike impossible. If, by any accident, the tow-line had parted anywhere along this extent, the life-boat, which could hardly have been sufficiently controlled by her oars in such a storm, would undoubtedly have been hurled upon this inaccessible wall of clay and dashed to pieces, while all on board would as surely have perished. The steamer, however, survived the ordeal, weathering every danger, and after two terrible hours of her rough combat she arrived a mile to windward of the locality where the *Mercury* was supposed to be and let slip the life-boat.

The boat was at once pulled towards the land. Two large fires struggling in the wind on the shore disclosed, as they approached, the broken and ice-clad wreck. There was no sight nor sound of life on board as the life-saving crew rowed up under the little lee her stern afforded, and there was no response to their shouts and calls. After a few minutes' laborious efforts to hold the boat in contiguity to the wreck, which was stranded in ten feet of water, the heavy wind and sea, and the overmastering undertow, swept her away. The crew bent to their oars and soon brought the boat back under the lee of the stern, and renewed their hails. They were again carried from the wreck, and it was not until the fourth attempt that faint cries were heard responding to their halloos, and a few dark figures appeared on the deck. The men had been huddled together, half insensible, on their perch in the cabin, and had only now been aroused to the consciousness that other human beings were near them. The astounding sight of the life-boat alongside of them in the dead of the night and in the height of the storm, seemed to put new life into their famished and half-frozen frames; the heaving-line cast by the life-saving crew was at once made fast to the mizzen rigging, and in a few minutes they had thrown their baggage into the boat. In their eagerness to follow, the first man missed the boat and fell overboard, but was fortunately caught by some of the life-boat men and dragged in. The transfer of others from the wreck then proceeded with more caution, and in a short time all were taken off without further accident, and the life-boat let go her line.

The saved men were pitiably weak, but the gale and the sea were so violent, and the difficulty and danger of the return trip to the steamer so great, that the keeper made every man who could pull a pound take hold of an oar, and after a hard row to windward of about a mile the life-boat reached the *Magnet*. An attempt was now made to get the rescued men on board the steamer, but owing to their exhausted condition and the fury of the sea it failed, and, to prevent them from freezing, the life-boat was headed for Pentwater, where it arrived together with the steamer a little after midnight. In the excitement and activity of the hour consumed in the direct rescue, the state of the men taken from the wreck was not fully apprehended, and it was not until the arrival at Pentwater that the keeper and his crew realized how nearly perished they were. The little help they gave at the oars had expended the feeble remnant of their strength, and upon landing they had to be lifted into the wagons which conveyed them to a neighboring hotel, where they were soon made as comfortable as their miserable condition permitted. They were all badly frozen, and it is plain could not have survived their sufferings much beyond the hour at which the life-boat came to their rescue.

The life-boat, upon examination, was found to have passed through the ordeal of the daring enterprise with some damage—not, however, material.

November 22.—The *Shamrock*, a small coasting schooner with but one man to sail her, became unmanageable during a high wind. Her master having taken in her canvas for a squall, could not make it again, and beame frightened. When he neared Station No. 7, Ninth District, the life-saving crew saw that the vessel was in imminent danger, and launched the life-boat and went to the rescue. When they reached the schooner, an endeavor was made to get a line to her, in order to tow her into harbor, but the wind was so strong, and the sea so high, that the effort was unavailing. The life-saving crew then took her in hand,

got canvas on her, and left one of their men to sail her into port, the surf-boat keeping close by, to be ready in case of accident.

November 23.—About nine o'clock in the morning the three-masted schooner *Carlingford*, of Huron, Ohio, laden with lumber, and bound, with a crew of eight men and a woman (the cook), from Au Sable to Tonawanda, was being towed into Buffalo by a tug, when a heavy squall struck them nearly opposite the new breakwater, causing the tow-line to part, and the schooner drifted on to Horse-Shoe Reef. The accident took place during a southwest snow-storm, with a very heavy sea. The schooner's signal of distress was immediately seen at Station No. 5, Ninth District, Lake Erie, which had recently been supplied for experimental trial with the new self-righting surf-boat, devised by Superintendent Dobbins.

This boat was at once launched, and soon gave notable proof of her self-righting quality. In crossing the reef, where the surf was very heavy and a cross current prevailed, she was struck by a tremendous breaker, broached to, capsized, and instantly came right side up with all her crew in her, save one man who was thrown out, but quickly regained his position. The surf-boat was at once brought head to, dropped down under the lee of the wreck, where she was bailed out, and then took off six men and the woman cook (the captain and mate preferring to stay by the wreck), with whom she gained the shore by noon. The boat was somewhat stove by her encounter with the breaker. At four o'clock in the afternoon the signal of distress was again seen hoisted on the wreck, and the life-saving crew pulled out and brought off the captain and mate. The rescued people were all supplied with supper and beds and made comfortable at the station.

November 24.—At 4.30 p. m. the schooner *Curlew*, of Port Huron, Mich., on her way from Port Huron to Alcona, Mich., in a heavy sea and strong wind, unshipped her rudder, broke her mainmast, and, her anchors not being heavy enough to hold her, stranded four miles north of Station No. 5, Tenth District, Lake Huron. She was discovered by a station patrolman, who took off his coat, waded into the water and ice up to his waist, and caught a heaving line from the vessel, which he took ashore and made fast, the other end being secured to a mast of the schooner. He then helped her crew (five men) to slide down the rope to the land.

November 24.—At eight o'clock a. m., the propeller *City of New York*, of Grand Haven, Mich., bound from Milwaukee, Wis., to Ludington, Mich., struck on a bar outside of Ludington Harbor, during a heavy storm, breaching her shoe, disabling her wheel, and bursting her steam pipe. The keeper of Station No. 7, Eleventh District, Lake Michigan, was on the pier watching for occasion of service, as is his custom in stormy weather, and the moment the vessel struck he caught a heaving-line thrown from her, drew in her hawser and made it fast to the pier, thus holding her bow up and keeping her from sinking until she got within eight feet of the pier, where she went down, but so near the dock that her people, twenty-one persons, were enabled to get on shore without assistance. There being a heavy current to the north, this timely help of the keeper prevented the steamer from going to leeward, where she must have gone to pieces, doubtless with heavy loss of life.

The captain of the steamer wrote a letter stating that the prompt assistance rendered saved the vessel and the lives of those on board.

November 25.—The schooner *Charles J. Smith*, of South Haven, Mich., laden with lumber and having a crew of five men, went ashore a mile south of Station No. 6 (Grand Point Au Sable, Mich.), Eleventh District, Lake Michigan. The life-saving crew went at once in the surf-boat to their assistance and took out two anchors to heave off the ves-

sel. They also sent a man to Ludington for a tug, and on its arrival ran a hawser from it to the schooner, and helped throw overboard a portion of her cargo to lighten her. They then hove up the anchors, set her sails, and the vessel was got afloat and went on her way.

November 30.—The schooner *Picton*, bound from Picton, Canada, to Oswego, N. Y., with a cargo of barley, and having a crew of six men, was in danger of being cast ashore about eight miles from the latter port, during a heavy gale and snow-storm, and anchored about a mile from the beach at 6 p. m. The following day at 8 a. m. a report of her condition reached Station No. 3, Ninth District, Lake Ontario. The surf-boat was immediately launched and towed by a tug to the distressed schooner. She was found iced up heavily, with a distress signal flying. The life-saving crew assisted in heaving up her anchor and saw her towed safely into port.

December 10.—At about half-past eleven o'clock at night two men attempted to cross the river at Charlotte, Lake Ontario, in a skiff, and one of them, while changing position with the other, fell overboard, at the same time tipping the boat and causing it to partly fill with water. The man remaining in the boat was unable to assist the man in the water or to row the boat ashore, and both called loudly for help. Their cries were heard by one of the surfmen of Station No. 4, Ninth District, who at once put out in a boat and brought both men ashore. But for his aid, one of them at least would have been lost.

December 10.—The captain and crew of the schooner *Mystic*, three in number, were engaged in attempting to heave her off the beach at Grand Haven, upon which she had been thrown on November 19 previous, as heretofore related. During the operation a violent storm arose, floated the vessel and swept her away over 150 feet to the outer bar, where she began to pound so heavily that the men on board had to scuttle her to prevent her being battered to pieces. Being then up in her rigging and in danger of their lives they showed signals of distress to the crew of Station No. 9, Eleventh District, who, finding it impossible, on account of the violence of the sea, to get the life-boat out of the harbor, drew a smaller boat along the shore opposite the vessel, rowed out under her lee, and took off the three imperiled sailors.

Tabular statement of casualties and disasters to vessels on the Great Lakes within the

DISTRICT No. 9.—EMBRACING

Date.	Place.	No. of station.	Name of vessel.	Where owned.	Master.	Tonnage.
1879.						
July 9	Two miles east of station ..	4	Yacht Dana.....	Charlotte, N. Y....	Wooden ..	.....
July 11	Eight hundred yards from station.	4	Skiff (no name).....	.....	.....	.....
July 11	Half mile north of station..	6	Fish-boat (no name)	Erie, Pa	Slocum ...	.....
July 11	Quarter mile southwest of station.	6	....do	....do	Nelson....	.....
July 19	Head of Niagara River.....	5	Barge Northern Light.*	Bay City, Mich ...	Gowdey ..	494
July 26	Four miles south of station.	1	Sloop Magic	Oswego, N. Y	Ames.....	4
Aug. 8	Two miles north of station	9	Yacht Favorite.....	Put-in Bay.....	Foy.....	.....
Aug. 15	Mouth of Big Sandy	1	Sc. Volunteer.....	Oswego, N. Y	Kupkey ..	52
Aug. 27	Five miles off station	1	Steam yacht Belle ..	Ottawa, Ont	Dailey	11
Aug. 30	Bar, mouth of Big Sandy...	1	Sc. Volunteer.....	Oswego, N. Y	Kupkey ..	52
Sept. 3	Three and a half miles west of station.	4	Sloop Cora.....	....do	Brown ...	50
Oct. 15	Mouth of Big Sandy.....	1	Sc. Mist	....do	Hemnon ..	28
Oct. 15	Half mile northwest of Marblehead light.	9	Str. B. F. Ferris.....	Put-in Bay.....	Freyenser	168
Oct. 21	Near mouth of Big Salmon River.	2	Sc. Volunteer.....	Chipenay Bay	Cobkey ...	52
Oct. 21	One mile west of station ...	7	Sc. Winnie Iona.....	Fairport, Ohio	Sharley ...	10
Oct. 23	On reef outside piers, Buffalo Harbor.	5	Sc. L. J. Farwell* ...	Buffalo, N. Y	Johnson ..	265
Oct. 23	North end of old breakwater	5	Sc. Eliza Gerlach ...	Cleveland, Ohio ...	Delargie ..	271
Oct. 23	Reef outside of pier.....	5	Barge Roscius*	Buffalo, N. Y	Brown ...	250
Oct. 24	Three miles east of Charlotte	4	Brigantine Henry Roney.†	Kingston, Ont	Redford ..	295
Oct. 26	Five miles west of Buffalo..	5	Sc. F. B. Gardner ...	Chicago, Ill	Foster	402
Oct. 29	Entrance of piers	8	Steam-barge Wm. Edwards.	Huron, Ohio	Fagan	1,272
Oct. 30	Three miles north of station.	9	Scow Mary Lydia...	Kingsville, Canada	Brown	101
Nov. 2	At Big Sandy	1	Schooner (no name)†.	Big Sandy, N. Y...	Gilbert ...	80
Nov. 2	20 miles off Cleveland	8	Sc. Helena	Cleveland, Ohio ...	Butt	843
Nov. 15	Near station	9	Skiff (no name).....	.....	.....	.....
Nov. 16	West pier	3	Sc. Hattie Howard..	Oswego, N. Y	Becker ...	256
Nov. 17	Half mile west of station ..	7	Sc. Sasco	Buffalo, N. Y.....	Gilbert ...	281
Nov. 19	Near east pier, Cleveland, Ohio.	8	Sc. Sumatra.....	Cleveland, Ohio ...	Morse	.....
Nov. 19	Near station.....	9	Sc. C. Rich	Detroit, Mich	Desana ...	40
Nov. 19	.....do	9	Sc. New Hampshire.	....do	Bronty ...	94
Nov. 19	.....do.....	9	Sc. J. A. Saunders...	Port Huron, Mich.	McGregor.	67
Nov. 20	Quarter mile east of station.	6	Sc. Wanconata.....	Montreal, Canada.	Bostwick .	181
Nov. 22	Off station	7	Sc. Shamrock	Not registered....	Parks.....	20
Nov. 23	Horse-shoe Reef.....	5	Sc. Carlingford.....	Huron, Ohio	Perry.....	470
Nov. 30	Eight miles east of Oswego, N. Y.	3	Sc. Picton	Picton, Canada....	Ostrander.	.....
Dec. 10	Five hundred yards from station.	4	Open boat	Charlotte, N. Y ...	.....	.....
	Total.....	..	.....	.....	.....	.....

*Assistance of life-saving crew not needed. †Crew came ashore in their own boat.

scope of the operations of the Life-Saving Service, from July 1 *to December* 17, 1879.

LAKES ONTARIO AND ERIE.

Where from.	Where bound.	Cargo.	Estimated value of vessel.	Estimated value of cargo.	Total.	Estimated amount saved.	Estimated amount lost.	No. of persons on board.	No. of persons saved.	No. of persons lost.	No. of persons sheltered at stations.	No. of days' shelter afforded.
Charlotte	Pleasure trip	None	$500	.....	$500	$475	$25	6	6	..	....	....
... do	Crossing river	.....	35	.....	35	35	.....	2	2	..	....	....
Fishing-ground	Erie, Pa	Fish	200	$25	225	215	10	2	2	..	....	....
....do	... do	... do	300	25	325	300	25	2	2	..	....	....
Bay City, Mich.	Tonawanda, N. Y.	Lumber	2, 500	15, 000	17, 500	13, 100	4, 400	7	7	..	....	....
Thousand Isl'ds	Oswego, N. Y	.....	300	.....	300	300	.....	4	4	..	4	8
Lake Side	Put-in Bay	.....	200	.....	200	200	.....	1	1	..	....	....
Oswego, N. Y	Big Sandy	Fodder and coal.	1, 000	500	1, 500	1, 500	.....	5	5	..	....	....
Ottawa, Ont	Oswego, N. Y	.....	500	.....	500	500	.....	8	8	..	....	....
Trent, Ont	Big Sandy	Lumber	1, 000	750	1, 750	1, 750	.....	3	3	..	....	....
Port Hope, Ont	Oswego, N. Y	....do	800	850	1, 650	1, 000	650	2	2	..	2	2
Oswego, N. Y	Big Sandy	Fodder and oil.	1, 000	345	1, 345	1, 345	.....	2	2	..	....	....
Put-in Bay	Sandusky, Ohio	Fish and fruit.	14, 000	300	14, 300	14, 300	.....	16	16	..	....	....
Bay of Quinte	Port Ontario	Lumber	700	300	1, 000	1, 000	.....	3	3	..	....	....
Fishing trip	Fairport, Ohio	.....	175	.....	175	175	.....	4	4	..	....	....
Bay City, Mich	Buffalo, N. Y	Lumber	2, 500	5, 400	7, 900	7, 800	100	6	6	..	....	....
Buffalo, N. Y	Cleveland, Ohio	Marble	10, 000	1, 830	11, 830	11, 330	500	7	7	..	....	....
Bay City, Mich	Buffalo, N. Y	Lumber	2, 000	4, 500	6, 500	6, 350	150	6	6	..	....	....
Kingston, Ont	Charlotte, N. Y.	Limestone, &c.	5, 000	1, 500	6, 500	1, 500	5, 000	9	8	1	....	....
Buffalo, N. Y	Chicago, Ill	.....	20, 000	.....	20, 000	5, 000	15, 000	8	8	..	....	....
Cleveland, Ohio	....do	Coal	90, 000	5, 500	95, 500	94 800	700	16	16	..	....	....
Kingsville, Can	Sandusky, Ohio	Heading-bolts.	1, 200	300	1, 500	650	850	5	5	..	....	....
Oswego, N. Y	Big Sandy, N. Y	.....	2, 000	.....	2, 000	2, 000	.....	3	3	..	....	....
Escanawba, Mich.	Ashtabula, Ohio	Iron ore	30, 000	12, 000	42, 000	39, 000	3, 000	9	9	..	....	....
Charlotte, N. Y.	Crossing river	.....	35	.....	35	35	.....	1	1	..	....	....
Port Hope, Ont	Oswego, N. Y	Lumber	3, 000	4, 800	7, 800	200	7, 600	7	7	..	....	....
Erie, Pa	Fairport, Ohio	.....	3, 000	.....	3, 000	.....	3, 000	6	6	..	6	6
Marquette, Mich.	Cleveland, Ohio	Iron ore	40, 000	10, 000	50, 000	40, 000	10, 000	9	9	..	....	....
Sandusky, Ohio	Port Huron, Mich.	.....	600	.....	600	.....	600	3	3	..	3	3
....do	Detroit, Mich	.....	1, 500	.....	1, 500	.....	1, 500	4	4	..	4	4
Huron, Ohio	Port Huron, Mich.	.....	800	.....	800	600	200	4	4	..	....	....
Buckhorn, Can	Buffalo, N. Y	Stave-bolts	2, 200	650	2, 850	1, 600	1, 250	8	8	..	8	24
Cleveland, Ohio	Madison Dock	Vegetables and lumber.	200	50	250	250	.....	1	1	..	1	1
Au Sable, Mich.	Tonawanda, N. Y.	Lumber	8, 000	4, 600	12, 600	11, 600	1, 000	9	9	..	9	9
Picton, Canada	Oswego, N. Y	Barley	2, 500	7, 800	10, 300	10, 300	.....	6	6	..	....	....
Charlotte, N. Y.	Pleasure trip	.....	20	.....	20	20	.....	2	2	..	....	....
.....	.....	.....	247, 765	77, 025	324, 790	269, 230	55, 560	196	195	1	37	57

‡ Subsequently named the William Gilbert.

Tabular statement of casualties and disasters

DISTRICT No. 10.—EMBRACING

Date.	Place.	No. of station.	Name of vessel.	Where owned.	Master.	Tonnage.
1879.						
Aug. 30	Off Alcona, Mich.....	5	Sc Kate Richmond .	Port Huron, Mich.	Little	240
Sept. 3	Near Grindstone City Dock.	2	St. J. Bertschey	Detroit, Mich	McGreg-gor.	434
Sept. 3	Reef off Black River Island, nine miles from Station.	5	Sc. Wm. H. Rounds*	Buffalo, N. Y.....	Talbot	309
Sept. 8	Outside end North Point Reef.	6	Sc. Three Brothers..	Black River, Ohio.	Porter	800
Oct. 9	Reef two miles abreast of station.	2	St. Roanoke.....	Buffalo, N. Y.....	.....	1,069
Oct. 21	One and a quarter miles south of station	4	Sc. Vampyre.....	Astabula, Ohio....	Humphrey	144
Oct. 23	Two miles east of Tawas Dock.	4	Open fish-boat	Au Sable, Mich ...	Ocha	.....
Oct. 27	North end Thunder Bay Island.	6	Fish-boat	Detroit, Mich	.....	.....
Nov. 6	Ten miles north of station..	5	Sc. Gold Hunter† ...	Cleveland, Ohio...	Rose	271
Nov. 24	Four miles north of station.	5	Sc. Curlew	Port Huron, Mich.	Buckridge	80
	Total.....	..	.....	.....	.....	.....

DISTRICT No. 11.—EM

1879.						
July 6	Near station	10	Open boat	Saint Joseph, Mich	.....	.....
July 6	Three miles southeast of station.	11	Sloop Mischief.....	Chicago, Ill	Payne.....	2
July 13	One mile south of station ..	15	Sail-boat	Milwaukee, Wis ..	.....	.....
July 13	Near piers	15	Yawl	....do	.....	.....
July 27	Two and a half miles south of station.	15	Sloop Falcon.....	Bay View, Wis ...	Batten ...	6
Aug. 2	Near station.....	12	Yacht Crusoe.....	Evanston, Ill.....	Conwell...	.....
Aug 15	Five miles from station	14	Sc. Alleghany.....	Erie, Pa	Reardon ..	664
Aug. 23	Two miles outside.....	9	Sloop (no name)	Grand Haven, Mich.	Hancock ..	.....
Aug. 24	Lincoln Park	11	St. Bret Harte	Chicago, Ill	Blewerth .	18
Sept. 3	Three miles east of harbor..	11	Bark Lewis Day....	Waukegon, Wis ..	Clow	375
Sept. 10	Mouth of harbor, Chicago..	11	Sloop (no name)	Miller's Station...	Severence.	1
Sept. 13	Three miles south of station	15	Steam-scow Josephine.	Milwaukee, Wis ..	Ford	350
Sept. 18	Near North Pier, Saint Joseph.	10	St. G. P. Heath.....	Saugatuck, Mich..	Brittain...	73
Sept. 21	Entrance Two Rivers Harbor.	17	Sc. Blue Belle.....	Manitowoc, Wis ..	Edwards ..	122
Oct. 2	Five miles south of station	16	Barge J. W. Hanaford.	Marquette, Mich..	Smith	280
Oct. 5	North Point Reef, five miles from station.	15	Sc. Mary Lyons.....	Rochester, N. Y...	Harry	600
Oct. 12	Seven miles north of Chicago.	11	Sc. Racine	Chicago, Ill	Thompson	168
Oct. 12	Eight miles north of station.	12	Sc. Thomas Sims ...	Menomonee, Wis .	Sauper	213
Oct. 22	Near North Pier, Saint Joseph.	10	Sc. Cora	Benton Harbor ...	Fish	44
Oct. 28	Near South Pier, Grand Haven.	9	St. Amazon	Detroit, Mich	.....	1,406
Oct. 28	Eight miles southeast of station.	17	Sc. Nellie Wilder....	Sacket's Harbor, N. Y.	.....	400

*Life-saving crew went to assistance, but not needed.

on the Great Lakes, &c.—Continued.

LAKES HURON AND SUPERIOR.

Where from.	Where bound.	Cargo.	Estimated value of vessel.	Estimated value of cargo.	Total.	Estimated amount saved.	Estimated amount lost.	No. of persons on board.	No. of persons saved.	No. of persons lost.	No. of persons sheltered at stations.	No. of days' shelter afforded.
Alcona, Mich ..	Tonawanda, N. Y.	Lumber ...	.....	.....	.....	.....	.....	9	9	..	....	....
Saginaw, Mich	Cleveland, Ohio	Shingles, wheat, &c	$15,000	$3,500	$18,500	.....	$18,500	51	51	..	....	....
Oswego, N. Y ..	Chicago, Ill	Coal	18,000	2,500	20,500	$16,750	3,750	8	8	..	....	....
Cleveland, Ohio	Milwaukee, Wis.	....do	15,000	1,300	16,300	15,900	400	8	8	..	....	....
Milwaukee, Wis.	Buffalo, N. Y...	Flour and grain.	32,000	37,600	69,600	60,600	9,000	20	20	..	....	....
Marine City, Mich.	East Tawas, Mich.	.....	2,000	.....	2,000	1,700	300	7	7	..	....	....
East Tawas, Mich.	Fish Point, Mich.	Outfits	50	25	75	65	10	2	2	..	....	....
Detroit, Mich ..	Fishing.....	Fish	.....	.....	.....	.....	.....	1	1	..	....	....
L'Anse, Mich .	Cleveland, Ohio	Iron ore...	8,000	4,500	12,500	.....	12,500	8	8	..	....	....
Port Huron, Mich.	Alcona, Mich ..	.....	1,500	.....	1,500	.....	1,500	5	5	..	....	....
.....	.....	.....	91,550	49,425	140,975	95,015	45,960	119	119	..	....	....

BRACING LAKE MICHIGAN.

Saint Joseph, Mich.	Pleasure trip ..	.....	.....	.....	.....	.....	.....	3	3	..	....	....
Chicago, Ill	To the crib	.....	150	.....	150	150	.....	6	6	..	....	....
Milwaukee, Wis.	Pleasure trip ..	.....	.....	.....	.....	.....	.....	4	4	..	....	....
....do	do	.....	.....	.....	.....	.....	.....	4	4	..	....	....
Bay View, Wis.	Cruising	.....	400	.....	400	325	75	4	4	..	....	....
Evanston, Ill...	Pleasure trip ..	.....	100	.....	100	100	.....	2	2	..	....	....
Milwaukee, Wis.	Chicago, Ill	.....	40,000	.....	40,000	34,000	6,000	10	10	..	....	....
Grand Huron, Mich.	On excursion ..	.....	200	.....	200	190	10	5	5	..	....	....
Chicago, Ill	Lincoln Park ..	.....	4,000	.....	4,000	3,975	25	12	12	..	....	....
Little Cedar River.	Chicago, Ill	Ced'r p'sts, &c.	3,500	1,500	5,000	4,875	125	9	9	..	....	....
Miller's Station	...do	Rags and iron.	70	12	82	59	23	2	2	..	2	3
Milwaukee, Wis.	South Point ...	Sand	4,000	75	4,075	3,950	125	5	5	..	....	....
Saugatuck, Mich.	Michigan City, Ind.	Lumber...	8,000	2,000	10,000	9,000	1,000	5	5	..	....	....
White Lake, Mich.	Two Rivers, Wis.	Tan bark..	5,000	700	5,700	5,700	.....	7	7	..	....	....
Bay City, Mich	Chicago, Ill	Lumber ..	8,000	5,000	13,000	12,800	200	7	7	..	....	....
Cleveland, Ohio	Milwaukee, Wis.	Coal	16,000	2,000	18,000	17,600	400	8	8	..	....	....
Muskegon, Mich.	Chicago, Ill	Lumber...	5,000	1,500	6,500	6,200	300	6	6	..	....	....
Menomonee, Wis.	....do	....do	4,000	4,500	8,500	6,300	2,200	5	5	..	....	....
Muskegon, Mich.	Benton Harbor.	....do	4,000	500	4,500	3,550	950	4	4	..	4	4
Milwaukee, Wis.	Grand Haven, Mich.	Provisions	150,000	100,000	250,000	.....	250,000	68	68	..	....	....
Sacket's Harbor, N. Y.	Milwaukee, Wis.	Coal	15,000	1,800	16,800	14,800	2,000	9	9	..	....	....

†Crew came ashore in their own boat,

Tabulated statement of casualties and disasters

DISTRICT No. 11.—EMBRACING

Date.	Place.	No. of station.	Name of vessel.	Where owned.	Master.	Tonnage.
1879.						
Nov. 2	Near North Pier, Saint Joseph.	10	Sc. Ithaca	Chicago, Ill	Sullivan	144
Nov. 2	White Fish Bay, eight miles north of station.	15	Steamer Menomonee	Kenosha, Wis	Schafforn	
Nov. 3	Two and a half miles from harbor.	10	Sc. Addie	Benton Harbor	Belton	30
Nov. 3	Lincoln Park, Ill	11	Sc. Reindeer	Milwaukee, Wis	Yackason	43
Nov. 11	Oak Creek Pier, Wis	15	Sc. Spy*	Oak Creek, Wis		160
Nov. 19	Near North Pier, Grand Haven.	9	Sc. Maple Leaf	Milwaukee, Wis	Lund	87
Nov. 19	do	9	Sc. J. A. Holmes	Chicago, Ill	Olsen	132
Nov. 19	do	9	Sc. Margaret Dall	do	Castillo	176
Nov. 19	do	9	Barge C. O. D	Grand Haven, Mich	Mulvaney	290
Nov. 19	do	9	Tug Gen. H. E. Paine	do	Doherty	248
Nov. 19	One-half mile north of Grand Haven.	9	Sc. Mystic*	do	Resse	38
Nov. 19	Breakwater, Chicago	11	Sc, Clara Parker*	Chicago, Ill	Lewis	425
Nov. 20	Pentwater, fourteen miles south of station.	7	Sc. Mercury	Manistee, Mich	Stirling	
Nov. 22	Channel of Grand River, Grand Haven.	9	Sc. James Catchpole†	Chicago, Ill	Torkelson	129
Nov. 24	North Pier, Ludington	7	Steamship City of New York.	Grand Haven, Mich	Chamberlin	417
Nov. 25	One mile south of station	6	Sc. Charles J. Smith	South Haven, Mich	Smith	80
Dec. 10	One-half mile north of pier, Grand Haven.	9	Sc. Mystic	Grand Haven, Mich	Resse	38
	Total					

*Crew got ashore themselves. †No assistance required from life-saving station.

RECAPITU

Districts.	Total number of disasters.	Total value of vessels.
District No. 9	36	$247,765
District No. 10	10	91,550
District No. 11	38	416,420
Aggregate	84	755,735

on the Great Lakes, &c.—Continued.

LAKE MICHIGAN—Continued.

Where from.	Where bound.	Cargo.	Estimated value of vessel.	Estimated value of cargo.	Total.	Estimated amount saved.	Estimated amount lost.	No. of persons on board.	No. of persons saved.	No. of persons lost.	No. of persons sheltered at stations.	No. of days' shelter afforded.
Muskegon, Wis.	Michigan City, Ind.	Lumber ..	$4,000	$2,000	$6,000	.....	$6,000	7	7	..	7	7
Green Bay, Wis.	Chicago, Ill	Fish, iron and shingles.	50,000	30,000	80,000	$78,000	2,000	37	37	..	....	....
Manistee, Mich	Benton Harbor.	Shingles ..	2,000	500	2,500	2,250	250	3	3	..	....	....
Muskegon, Mich.	Chicago, Ill	Lumber ...	500	250	750	100	650	2	2	..	....	....
Oak Creek, Wis	Milwaukee, Wis.	Bricks	2,000	300	2,300	1,500	800	4	4	..	....	....
White Hall ...	....do	Lumber ...	4,000	1,500	5,500	.....	5,500	4	4	..	4	4
Racine, Wis ...	Grand Haven, Mich.	.....	2,000	.....	2,000	2,000	.....	6	6	..	6	6
Chicago, Ill	....do	.....	7,000	.....	7,000	7,000	.....	7	7	..	7	7
....do	...do	.....	14,000	.....	14,000	14,000	.....	5	5	..	....	....
....do	....do	General ...	18,000	200	18,200	.....	18,200	15	15	..	....	....
Racine, Wis ...	....do	.....	1,500	.....	1,500	1,500	.....	3	3	..	....	....
Chicago, Ill ...	Escanaba, Mich	.....	12,500	.....	12,500	4,500	8,000	9	9	..	....	....
Ludington, Mich.	Chicago, Ill	Plank	9,000	3,000	12,000	.....	12,000	7	7	..	....	....
Racine, Wis ...	Grand Haven, Mich.	Stone	3,000	500	3,500	3,100	400	6	6	..	6	6
Milwaukee, Wis.	Ludington, Mich.	Provisions	15,000	15,000	30,000	19,500	10,500	21	21	..	....	....
Hamlin	South Haven ..	Lumber ...	3,000	600	3,600	3,400	200	5	5	..	....	....
Grand Haven ..	.....	.....	1,500	.....	1,500	1,500	.....	3	3	..	....	....
.....	.....	.....	416,420	173,437	589,857	261,924	327,933	329	329	..	36	37

LATION.

Total value of cargoes.	Total amount of property involved.	Total amount of property saved.	Total amount of property lost.	Total number of persons on board.	Total number of persons saved.	Total number of persons lost.	Number of shipwrecked persons succored at stations.	Total number of days' shelter afforded.
77,025	324,790	269,230	55,560	196	195	1	37	57
49,425	140,975	95,015	45,960	119	119	.....	.....	.....
173,437	589,857	261,924	327,933	329	329	.....	36	37
299,887	1,055,622	626,169	429,453	644	643	1	73	94

46TH CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { EX. DOC. No. 86.

SHIPPING BETWEEN THE ATLANTIC AND PACIFIC COASTS.

LETTER

FROM

THE SECRETARY OF THE TREASURY,

RELATIVE TO

The amount of shipping between the Atlantic and Pacific coasts.

MAY 15, 1880.—Referred to the Committee on Interoceanic Ship Canal and ordered to be printed.

TREASURY DEPARTMENT, *May* 10, 1880.

SIR: Referring to department's letter addressed to you on the 13th of March last, in response to the inquiries made by House resolution of February 11, 1880, viz:

First. The amount of shipping between the Atlantic and Pacific ports of the United States, and the amount and kind of cargoes, and for the coasts of the Pacific Ocean;

Second. The entrances and clearances at the port of San Francisco for the last fiscal year, and the amount and kind of cargoes, and the places from and to which they are carried;

Third. The amount of transportation across the isthmus, and generally its points of destination, and from which originally shipped;

Fourth. The average duration of voyages around the Horn between New York and San Francisco:

I have now the honor to transmit herewith a copy of a further report upon the subjects embraced in the resolution from the Chief of the Bureau of Statistics, dated the 8th instant, accompanied by tables, giving in detail, as far as practicable, the information asked for.

I have the honor, also, to call your attention to the concluding paragraph of the report, in which it is said that a statement as to the magnitude of the shipping and commercial interests which might be subserved by the construction of the proposed interoceanic ship canal, and of the commercial questions involved in the consideration of that subject, may be found in the Quarterly Report of the Bureau of Statistics for the quarter ended March 31, 1880.

Very respectfully,

H. F. FRENCH,
Acting Secretary.

Hon. SAMUEL J. RANDALL,
Speaker of the House of Representatives.

TREASURY DEPARTMENT, U. S. A.,
BUREAU OF STATISTICS,
Washington, D. C., May 8, 1880.

SIR: On the 13th of February the following resolution of the House of Representatives was referred to this office for reply:

Resolved, That the Secretary of the Treasury be requested to furnish to the House, for the use of the Committee on Interoceanic Canal, such statistics as may be found in his department on the following subjects:

First. The amount of shipping between the Atlantic and Pacific ports of the United States, and the amount and kind of cargoes, and for the coasts of the Pacific Ocean.

Second. The entries and clearances at the port of San Francisco for the last fiscal year, and the amount and kind of cargoes, and the places from and to which they are carried.

Third. The amount of transportation across the isthmus, and generally its points of destination, and from which originally shipped.

Fourth. The average duration of voyages around the Horn between New York and San Francisco.

The delay in replying to this resolution has been caused by the fact that it was necessary to address special inquiries to the collectors of customs at all the Pacific ports, and at the principal Atlantic seaports, in regard to the trade around Cape Horn. This trade being a part of the domestic or coastwise trade of the United States, shippers of such merchandise are not required by law to report to collectors of customs the buantities and values of the commodities shipped. The customs officers at the ports referred to were, therefore, obliged to enter upon a special investigation of this subject, in order to obtain the proper data to enable this office to reply to the resolution.

The first inquiry calls for "the amount of shipping between the Atlantic and Pacific ports of the United States, and the amount and kind of cargoes." This inquiry may be divided into two parts, viz, (1) trade around Cape Horn, and (2) trade via the Isthmus of Panama. First. The tonnage entered and cleared at Pacific ports of the United States of vessels passing around Cape Horn in trade with the Atlantic ports of the United States during the year ended June 30, 1879, was as follows:

	Tons.
Entered	98,092
Cleared	22,175
Total	120,267

The value of the cargoes was as follows:

Shipped from Atlantic to Pacific ports (estimated)	$6,317,550
Shipped from Pacific to Atlantic ports (estimated)	2,925,069
Total	9,242,619

Second. The shipping and the value of the shipments betwen the Atlantic and Pacific ports of the United States, via the Isthmus of Panama, are shown as follows:

The shipping entered at and cleared from San Francisco in the trade with New York via Panama during the fiscal year ended June 30, 1879, was as follows:

	Tons.
Entered, 24 vessels	64,509
Cleared, 26 vessels	63,129

A corresponding amount of tonnage is employed between the port of Aspinwall and the Atlantic seaports of the United States, but it is impossible to state precisely the amount of tonnage entered and cleared at Aspinwall, which is engaged in the commerce between the Atlantic and

Pacific ports of the United States, from the fact that the tonnage thus employed is tributary not only to the trade of the Pacific coast of the United States, but also to the trade of the western coast of South America. Almost the entire shipping engaged in the trade between the Atlantic and Pacific ports of the United States, via Panama, is owned by the Pacific Mail Steamship Company. The trade between New York and San Francisco constitutes almost the entire trade between the Atlantic and the Pacific ports of the United States.

The value of the shipments between San Francisco and New York via the Isthmus of Panama during the year ended June 30, 1879, was as follows:

Value of shipments from San Francisco to New York	$2,166,690
Value of shipments from New York to San Francisco	2,781,065
Total	4,947,755

The following information is presented in reply to that part of the first inquiry which relates to the kind of cargoes shipped in the trade between the Atlantic and Pacific ports of the United States:

The kind of cargoes shipped from New York to San Francisco, and from San Francisco to New York, via the Isthmus of Panama, during the year ended June 30, 1879, is given in the following table, and comprises the entire trade between the east and west coasts of the United States across the isthmus:

TRADE BETWEEN NEW YORK AND SAN FRANCISCO, VIA THE ISTHMUS OF PANAMA.

Statement showing the quantities and values of domestic commodities shipped from New York to San Francisco, and from San Francisco to New York, via the Isthmus of Panama, during the year ended June 30, 1879.

COMMODITIES.	From New York to San Francisco.		From San Francisco to New York.	
	Quantities.	Values.	Quantities.	Values.
		Dollars.		*Dollars.*
Agricultural implements, not elsewhere specified	.....	1,398	.....	.....
Animals, living, and fowls	.....	1,000	.....	.....
Beer, ale, and porter:				
In bottles ..... dozens	970	1,566	.....	.....
In casks ..... gallons	46	10	10	4
Bells, and bell and bronze metal	.....	310	.....	.....
Blacking	.....	5,838	.....	.....
Books, pamphlets, maps, and other publications	.....	49,179	.....	706
Brass, and manufactures of	.....	12,938	.....	1,594
Bread and breadstuffs:				
Wheat-flour ..... barrels	.....	.....	8	44
Other small grain and pulse	.....	.....	.....	12
Maizena, farina, and all other preparations of breadstuffs used as food	.....	2,329	.....	100
Brooms and brushes of all kinds	.....	3,497	.....	50
Candles, tallow and other ..... pounds	5,722	607	.....	.....
Carriages, carts, and parts of	.....	14,521	.....	.....
Clocks, and parts of	.....	1,134	.....	.....
Coffee, cocoa, and spices, including ginger, pepper, and mustard	.....	151	.....	.....
Combs	.....	324	.....	.....
Copper, and manufactures of:				
Ore ..... cwts	.....	.....	80	200
Pigs, bars, sheets, and old ..... pounds	43,395	8,524	38,988	5,211
All other manufactures of	.....	34,573	.....	.....
Cordage, rope, and twine of all kinds, not elsewhere specified ..... pounds	209,857	22,993	.....	.....
Cotton, and manufactures of:				
Colored ..... yards	3,280,235	250,536	.....	.....
Uncolored ..... do	600,649	123,339	.....	.....
All other manufactures of, not elsewhere specified	.....	85,353	.....	727
Drugs, chemicals, and medicines, not elsewhere specified	.....	138,023	.....	32,322

Domestic commodities shipped from New York to San Francisco, &c., during the year ended June 30, 1879—Continued.

COMMODITIES.	From New York to San Francisco.		From San Francisco to New York.	
	Quantities.	Values.	Quantities.	Values.
		Dollars.		*Dollars.*
Dye-stuffs		896		
Earthen, stone, and china ware		29,037		40
Fancy articles, not elsewhere specified		2,630		715
Fruits:				
Green, ripe, or dried		109		138
Preserved, in cans or otherwise		4,930		45
Furs and fur-skins		50		700
Gas-fixtures and chandeliers		384		
Ginseng ..... pounds			1,558	1,555
Glass and glass-ware		72,223		524
Glue ..... pounds	8,975	1,197		
Silver bullion				686,081
Hair:				
Unmanufactured		590		
Manufactures of		2,820		
Hats, caps, and bonnets:				
Of wool, fur, and silk		11,727		
Of palmleaf, straw, &c		5,902		
Hemp, and manufactures of:				
All manufactures of, not including cables and cordage		19,919		
Hides and skins, other than fur				9,856
India rubber and gutta-percha manufactures:				
Boots and shoes ..... pairs	7,210	12,602		
All other manufactures		21,786		78
Iron and steel:				
Iron, and manufactures of—				
Pig ..... pounds	2,688,000	22,750		
Bar ..... do	185	918		
Boiler-plate ..... do	199,176	14,451		
Railroad bars or rails ..... do	789,340	11,132		
Sheet, band, and hoop ..... do	5,000	250		
Castings, not elsewhere specified		5,336		85
Stoves, and parts of		5,529		
Steam-engines, stationary ..... number	7	7,997		
Boilers for steam-engines, when separate from the engines		2,074		
Machinery, not elsewhere specified		134,177		2,533
Nails and spikes ..... pounds	1,289,404	46,880		
All other manufactures of iron		421,387		5,646
Cutlery		670		300
Edge tools		39,430		175
Files and saws		1,294		
Fire-arms		509		373
All other manufactures of steel, not elsewhere specified		22,512		
Lamps		7,003		
Lead, and manufactures of		15,674		332,094
Leather, and manufactures of:				
Leather—				
Morocco, and other fine		1,847		
Sole, upper, and all other ..... pounds	1,779	471		
Manufactures of—				
Boots and shoes ..... pairs	1,974	2,275		
Saddlery and harness		5,796		
All other manufactures of, not elsewhere specified		315		
Lime and cement ..... barrels	68	68	2	6
Marble and stone:				
Marble and stone, rough		6,102		
Marble and stone, manufactures of		6,477		
Mathematical, philosophical, and optical instruments		2,869		
Musical instruments:				
Organs, melodeons, &c.		16,819		
Piano-fortes		75,696		350
All other		155		
Naval stores:				
Rosin and turpentine ..... barrels	715	2,045		
Oils:				
Lubricating (heavy paraffine, &c.) ..... gallons	8,290	4,718		
Animal—				
Lard ..... gallons	38,800	22,224		
Neat's-foot, and other animal ..... do	1,600	1,200		
Sperm ..... do	2,900	2,980		
Vegetable—				
Cotton-seed ..... gallons	250	120		
Linseed ..... do	8,403	5,367		

Domestic commodities shipped from New York to San Francisco, &c., during the year ended June 30, 1879—Continued.

COMMODITIES.	From New York to San Francisco.		From San Francisco to New York.	
	Quantities.	Values.	Quantities.	Values.
Ordnance stores:		*Dollars.*		*Dollars.*
Cartridges and fuses	.....	571	.....	.....
Shot and shell ..... pounds..	62,090	4,967	.....	.....
Ore, argentiferous (or silver-bearing) ..... cwts..	.....	.....	3,076	143,317
Paints, and painters' colors	.....	17,330	.....	.....
Paintings and engravings	.....	53	.....	.....
Paper and stationery	.....	284,812	.....	1,376
Perfumery	.....	2,442	.....	.....
Plated ware, of silver or other metal	.....	15,542	.....	657
Printing presses and type	.....	9,189	.....	.....
Provisions:				
Butter ..... pounds..	2,000	550	.....	.....
Cheese ..... do...	18,629	2,235	.....	.....
Condensed milk	.....	15,564	.....	.....
Fish, other cured	.....	10,717	.....	9,521
Lard ..... pounds..	10,400	832	.....	.....
Meats, preserved	.....	2,146	.....	.....
Oysters	.....	10,767	.....	.....
Pickles and sauces	.....	7,360	.....	.....
Pork ..... pounds..	8,000	500	.....	.....
Vegetables, prepared or preserved	.....	36,638	.....	.....
Rags, cotton and linen ..... pounds..	.....	.....	3,809,053	119,512
Scales and balances	.....	1,477	.....	.....
Seeds:				
Clover, timothy, garden, and all other	.....	245	.....	10
Sewing-machines, and parts of	.....	47,209	.....	125
Soap:				
Perfumed, and all toilet	.....	20,124	.....	133
Other ..... pounds..	8,500	510	.....	.....
Spirits, distilled:				
From grain ..... gallons..	13,800	20,420	2,099	3,170
From other materials ..... do...	.....	.....	94,292	206,316
Sugar and molasses:				
Sugar, refined ..... pounds..	11,862	1,068	.....	.....
Molasses ..... gallons..	2,100	1,365	.....	.....
Candy and confectionery	.....	23	.....	.....
Tin, and manufactures of	.....	91,226	.....	.....
Tobacco, and manufactures of:				
Leaf ..... pounds..	516,996	63,002	.....	.....
Cigars ..... M..	.....	.....	80	2,500
Snuff ..... pounds..	10,966	4,223	.....	.....
All other manufactures of	.....	3,537	.....	.....
Trunks and valises	.....	.....	.....	100
Umbrellas, parasols, and sun-shades	.....	714	.....	.....
Varnish ..... gallons..	3,065	4,099	.....	.....
Vinegar ..... do...	.....	.....	6,360	2,563
Wearing apparel	.....	6,055	.....	8,530
Wine ..... gallons..	.....	.....	986,106	484,127
Wood, and manufactures of:				
Boards, clapboards, deals, planks, joists, and scantling ..... M feet..	5	100	27	825
Shingles ..... M..	.....	.....	275	1,265
Other shooks, staves, and headings	.....	2,031	.....	.....
Household furniture	.....	59,490	.....	805
Wooden ware	.....	29,113	.....	.....
All other manufactures of wood, not elsewhere specified	.....	62,744	.....	.....
Wool, and manufactures of:				
Wool, raw and fleece ..... pounds..	.....	.....	78,273	9,940
Carpets ..... yards..	380	285	.....	.....
All other manufactures of	.....	4,177	.....	35
Zinc, and manufactures of:				
Plates, sheets, pigs, or bars ..... pounds..	104,168	7,869	18,915	567
All articles not enumerated:				
All other unmanufactured articles	.....	365	.....	9,464
All other manufactured articles	.....	3,723	.....	17,516
Total	.....	2,719,871	.....	2,104,638

Statement showing the quantities and values of foreign commodities shipped from New York to San Francisco and from San Francisco to New York, via the Isthmus of Panama, during the year ended June 30, 1879.

COMMODITIES.	From New York to San Francisco.		From San Francisco to New York.	
	Quantities.	Values.	Quantities.	Values.
FREE OF DUTY.				
		Dollars.		*Dollars.*
Chemicals, drugs, dyes, and medicines, not elsewhere specified	.....	35	.....	.....
Cocoa, crude, and leaves and shells of.....pounds..	7,574	1,840	.....	.....
Coffee.....do...	24,950	4,933	128	20
Tea.....do....	.....	.....	20	5
Wood, unmanufactured.....	.....	.....	.....	5,700
Total free of duty.....	.....	6,808	.....	5,725
DUTIABLE.				
Chemicals, drugs, dyes, and medicines, not elsewhere specified.....	.....	36	.....	.....
Earthen, stone, and china ware.....	.....	.....	.....	306
Fish, not of American fisheries:				
Fish, not elsewhere specified.....	.....	1,375	.....	.....
Sardines and anchovies, preserved in oil.....	.....	3,000	.....	.....
Fruits, of all kinds, including nuts.....	.....	33,835	.....	.....
Furs and dressed fur-skins.....	.....	.....	.....	1,800
Hair, human, and manufactures of.....	.....	.....	.....	183
Sheet-iron .....pounds..	4,880	586	.....	.....
Jute, manufactures of, not elsewhere specified.....	.....	85	.....	.....
Olive-oil, salad .....gallons..	400	1,000	.....	.....
Paints	.....	.....	.....	213
Spices, of all kinds.....pounds..	13,837	2,578	910	55
Tin, in plates .....cwts..	1,506	10,536	.....	.....
Spirits in casks.....proof gallons..	.....	.....	6,051	4,841
Spirits in bottles .....dozens..	56	550	.....	.....
Wine in casks .....gallons..	400	400	.....	.....
Wine in bottles .....dozens..	109	405	.....	.....
All other dutiable articles.....	.....	.....	.....	48,929
Total dutiable.....	54,386	.....	.....	56,327
Total free and dutiable.....	61,194	.....	.....	62,052

In regard to the kind of cargoes shipped in the trade between Atlantic and Pacific ports of the United States, around Cape Horn, as before stated, such facts only can be given as collectors of customs have been able to furnish to this office, as the result of special inquiries.

The following statement is furnished by the collector of customs at San Francisco, as to commodities shipped from that port around Cape Horn to Atlantic seaports during the year ended June 30, 1879:

Statement showing the quantities and values of the principal commodities shipped from San Francisco to Atlantic seaports of the United States around Cape Horn during the year 1879.

Description of merchandise.	Quantities.	Values.
		Dollars.
Borax .....centals..	7,160	43,128
Barley .....do....	148.416	190,049
Brandy .....gallons..	10,649	30,682
Canned fruit .....cases..	8,289	46,734
Horns, cattle .....number..	186,971	17,697
Lead, pig .....tons..	3,309	326,900
Mustard seed .....centals..	12,379	43,735
Ore, iron .....tons..	4,802	47,250
Oil, whale.....gallons..	45,603	22,803
Oil, sperm ..... do....	2,000	2,500
Quicksilver .....flasks..	700	19,516
Shingles..... number..	3,847,500	9,497
Salmon .....cases..	26,203	149,942
Wool .....pounds..	9,352,966	1,396,523
Wine .....gallons..	445,136	269,782
Miscellaneous.....	.....	108,331
Total	.....	2,725,069

The collector of customs at Boston reports that the cargoes shipped from Boston to Pacific ports of the United States, around Cape Horn, embrace about six hundred different items, the following being the most prominent:

Boots and shoes.
Canned corn.
Canned lobster.
Coal.
Cordage.
Cotton goods.
Hemp, raw.
Iron, and manufactures of:
    Pig-iron.
    Bar-iron.
    Axles.
    Chains.
    Nails.
    Horse-shoes.
    Wire.
    Ranges.
    Caldrons.
Oil.
Paint.
Paper.
Pianos.
Pork.
Powder.
Spirits:
    Rum.
    Whisky.
Wood, and manufactures of:
    Walnut.
    Oak.
    Cherry.
    Ash.
    Maple.
    Lignum vitæ.
    Chairs.
    Last-blocks.
    Staves.

The collector of customs at New York states that the shipments from that port to the Pacific ports of the United States, around Cape Horn, consist of a large variety of coarse goods, such as coal, pig-iron, lumber, plaster, wooden ware, straw, straw-paper, cheap hardware, and different kinds of cheap goods.

The kind of cargoes shipped from Philadelphia to Pacific ports of the United States is described in the following statement, furnished by the collector of customs at that port:

Statement showing general character of cargoes of vessels cleared coastwise from port of Philadelphia for Pacific coast during the fiscal year ending June 30, 1879.

Vessels.	Destination.	Date.	Character of cargo.
Ship M. N. Hail	Portland, Oreg	July 22, 1878	1,050 tons coal.
Ship Palmyra	San Francisco, Cal.	Aug. 13, 1878	Coal, hardware, paints, &c.
Ship Columbus	Sitka, Alaska	Dec. 20, 1878	Ballast and stores.
Ship State of California	do	Dec. 20, 1878	Do.
Ship Saratoga	do	Jan. 8, 1879	Do.
Ship Standard	San Francisco, Cal.	Jan. 31, 1879	Coal, lumber, glassware, chemicals, iron, tobacco, &c.
Ship San Joaquin	do	Feb. 8, 1879	Glassware, lead, steel, coal, iron castings, water-pipe, and general merchandise.
Ship State of Caiifornia	Portland, Oreg	Mar. 7, 1879	Ion, water-pipe, paper-hangings, hardware, ropes, whisky, pianos, organs, and general merchandise.
Ship State of California	San Francisco, Cal.	Mar. 7, 1879	Machinery, confectionery, hollow wares, cream-freezers, Russia ware, and medicines.
Ship Frank N. Thayer	do	Mar. 22, 1879	Coal, tobacco, lye, iron, glassware, machinery, earthenware, &c.
Ship Florence	do	Apr. 26, 1879	Barrels, iron, canned goods, spokes, whisky, water-pipe, sheet iron, and general merchandise.
Bark Sintram	do	May 2, 1879	Coal, tobacco, glassware, canned goods, nails, iron, and general merchandise.
Ship Tecumseh	Portland, Oreg	May 26, 1879	Castings, sheet iron, glassware, drugs, railroad materials, &c.
Ship Zabiaca	do	June 7, 1879	Ballast and ship stores.

The commodities shipped from Baltimore to Pacific ports of the United States during the year ended June 30, 1879, are reported to have consisted entirely of bituminous coal.

The second inquiry of the resolution calls for "the entries and clear-

ances at the port of San Francisco for the last fiscal year, and amount and kind of cargoes, and the places from and to which they are carried."

The shipping entered at San Francisco, in trade with foreign countries, during the year ended June 30, 1879, amounted to 567 vessels, the aggregate tonnage of which was 639,536 tons, and the shipping cleared from that port in the foreign trade during the same period amounted to 667 vessels, the aggregate tonnage of which was 748,119 tons.

The commerce of San Francisco with foreign countries during the year ended June 30, 1879, was as follows :

Imports		$35,046,879
Exports:		
Domestic	$35,548,417	
Foreign	4,117,816	
Total exports		39,666,233
Total imports and exports		74,713,112

The following statement shows the value of the commerce of San Francisco with each foreign country during the year ended June 30, 1879 :

Statement showing the value of the commerce of San Francisco with each foreign country during the year ended June 30, 1879, *stated in the order of magnitude of total commerce.*

Countries.	Exports.			Imports.	Total commerce.
	Domestic.	Foreign.	Total.		
	Dollars.	*Dollars.*	*Dollars.*	*Dollars.*	*Dollars.*
China, including Hong-Kong	7,743,878	3,027,164	10,771,042	9,438,766	20,209,808
United Kingdom of Great Britain and Ireland	16,494,645	373,718	16,868,363	2,726,743	19,595,106
Japan	538,495	2,323	540,818	6,769,216	7,310,034
Mexico	1,259,487	122,115	1,381,602	4,296,544	5,678,146
Hawaiian Islands	2,005,645	81,946	2,087,591	3,047,368	5,134,959
Central American States	983,594	48,536	1,032,130	2,103,307	3,135,437
France	1,980,990	100	1,981,090	941,492	2,922,582
British Columbia	882,585	170,372	1,052,957	1,857,242	2,910,199
British Possessions in Australia	1,120,292	12,272	1,132,564	529,318	1,661,882
Peru	402,050	5,425	407,475	761,269	1,168,744
Spanish Possessions, all other	189	.....	189	989,527	989,716
British East Indies	11,816	.....	11,816	846,015	857,831
Germany	438,091	16,371	454,462	298,635	753,097
United States of Colombia	519,130	209,349	728,479	.....	728,479
French Possessions, all other	327,970	35,179	363,149	171,042	534,191
Belgium	415,306	.....	415,306	.....	415,306
Russia, Asiatic	122,469	5,479	127,948	78,905	206,853
Dutch East Indies	.....	.....	.....	143,951	143,951
All other islands and ports n. e. s	129,937	5,529	135,466	.....	135,466
Chili	80,913	501	81,414	47,539	128,953
British Possessions in Africa and adjacent islands	55,658	191	55,849	.....	55,849
Brazil	20,000	.....	20,000	.....	20,000
All other countries and ports in South America, n. e. s	15,277	661	15,938	.....	15,938
British Guiana	.....	585	585	.....	585
Total	35,548,417	4,117,816	39,666,233	35,046,879	74,713,112

The following statement shows the value of the principal and other imports into, and the value of the principal and other exports from, the port of San Francisco during the year ended June 30, 1879:

Statement showing the quantities and values of imports into and exports from the customs district of San Francisco during the year ended June 30, 1879.

IMPORTS.

Commodities.	Quantities.	Values.
Beer, ale, porter, and other malt liquors.....gallons..	115,146	$93,270
Chemicals, drugs, dyes, and medicines		1,343,459
Clothing, except when of silk, and except hosiery, &c., of cotton or wool.		100,124
Coffee.....pounds..	12,117,775	1,826,170
Coal.....tons..	288,655	1,102,740
Cotton, manufactures of		207,061
Earthen, stone, and china ware		296,092
Fancy goods		281,454
Fish		197,226
Flax, manufactures of		305,249
Fruits of all kinds, including nuts		124,163
Fur skins and furs		264,530
Glass and glassware		114,339
Hemp, raw.....tons..	1,672	164,145
Hides and skins, other than furs		186,493
Iron and steel, and manufactures of		314,016
Jute, and manufactures of		1,305,403
Oils		289,636
Rice.....pounds..	59,430,871	1,815,935
Seeds		128,142
Silk, and manufactures of:		
Silk, raw.....pounds..	1,429,545	6,303,018
Manufactures of		127,460
Sugar, brown.....pounds..	70,315,048	3,925,243
Tea.....pounds..	16,743,565	4,747,597
Tin, and manufactures of		610,322
Wine, spirits, and cordials		446,156
Wood, and manufactures of		107,410
Wool, and manufactures of		328,135
All other articles		2,056,756
Total merchandise		29,111,744
Specie		5,935,135
Total imports		35,046,879

DOMESTIC EXPORTS.

Drugs, chemicals, medicines, and dye-stuffs		$160,387
Bread and breadstuffs:		
Barley.....bushels..	597,262	332,768
Bread and biscuit.....pounds..	1,816,138	98,217
Indian corn.....bushels..	102,357	83,622
Wheat.....do ..	16,723,302	17,231,044
Wheat flour.....barrels..	528,105	2,673,884
All other		134,365
Total breadstuffs		20,553,900
Cotton, manufactures of		336,150
Fruits		194,000
Furs and fur skins		482,782
Ginseng.....pounds..	366,316	434,487
Iron and steel, and manufactures of		1,239,016
Lead, and manufactures of		176,994
Leather, and manufactures of		248,961
Ordnance stores		115,791
Provisions:		
Bacon, hams, lard, and pork.....pounds..	1,185,239	121,152
Beef, salted or cured.....do...	926,666	41,596
Butter and cheese.....do...	672,408	131,507
Fish, dried, smoked, pickled, or other cured		1,388,015
Meats, preserved		105,830
All other		124,023
Total provisions		1,912,123

Statement showing the quantities and values of imports, &c.—Continued.

DOMESTIC EXPORTS—Continued.

Commodities.	Quantities.	Values.
Quicksilver ..... pounds..	3, 581, 465	$1, 399, 905
Sugar, refined ..... do...	1, 781, 619	167, 165
Tobacco, and manufactures of	.....	126, 310
Wearing apparel	.....	175, 128
Wood, and manufactures of	.....	644, 862
All other articles	.....	1, 912, 441
Total merchandise	.....	30, 280, 402
Specie	.....	5, 268, 015
Total domestic exports	.....	35, 548, 417

FOREIGN EXPORTS.

Chemical, drugs, dyes, and medicines	.....	$138, 994
Coffee ..... pounds..	1, 811, 210	307, 963
Fur skins, undressed	.....	200, 000
Rice ..... pounds..	1, 949, 092	58, 918
Tea ..... do...	186, 805	47, 598
All other articles	.....	325, 427
Total merchandise	.....	1, 078, 900
Specie	.....	3, 038, 916
Total foreign exports	.....	4, 117, 816

The third inquiry calls for "the amount of transportation across the Isthmus of Panama and, generally, its points of destination, and from which originally shipped."

The only available information in regard to the amount of transportation across the isthmus is that furnished by the Panama Railroad Company, and is as follows:

	Tons.
1871	105, 797
1872	146, 737
1873	135, 364
1874	170, 928
1875	126, 014
1876	113, 781
1877	146, 942
1878	152, 477
1879	161, 743

The only information which can be furnished in regard to the course of the trade crossing the Isthmus of Panama is embraced in the following statements showing the nationality of vessels entered at and cleared from Panama and Aspinwall. These statements have been collated from American and British consular reports:

Statement showing the number of vessels and tonnage entered at and cleared from Panama and Aspinwall during the years 1864, 1875, *and* 1876.

PANAMA.

Nationality.	ENTERED.						CLEARED.					
	1864.*		1875.†		1876.†		1864.*		1875.†		1876.†	
	Vessels.	Tons.	Vessels.	Tons.	Vessels.	Tons.	Vessels.	Tons.	Vessels.	Tons.	Vessels.	Tons.
United States	81	144, 412	71	128, 278	65	110, 083	77	142, 497	71	128, 278	65	110, 083
British	45	35, 832	62	102, 151	52	76, 996	43	34, 529	62	102, 151	53	78, 491
French	2	2, 156	.....	.....	1	709	2	2, 150	.....	.....	1	709
Russian	1	900	.....	.....	.....	.....	1	900	.....	.....	.....	.....
Mexican	1	152	.....	.....	.....	.....	1	152	.....	.....	.....	.....
Ecuadorian	6	188	.....	.....	.....	.....	6	188	.....	.....	.....	.....
Chilian	.....	.....	28	44, 126	17	21, 150	.....	.....	24	42, 496	18	22, 650
All other	6	195	.....	.....	.....	.....	4	171	.....	.....	.....	.....
Total	142	183, 829	161	274, 555	135	208, 938	134	180, 587	157	272, 925	137	211, 933

ASPINWALL.

United States	120	111, 695	83	109, 508	62	77, 760	123	113, 105	83	109, 508	62	77, 760
British	120	125, 002	55	101, 699	70	118, 806	119	123, 811	55	101, 699	70	118, 806
French	5	939	28	49, 527	29	49, 326	5	939	28	49, 527	29	49, 326
Spanish	3	530	.....	.....	.....	.....	4	670	.....	.....	.....	.....
Russian	1	130	.....	.....	.....	.....	1	130	.....	.....	.....	.....
Hanseatic	2	346	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Hanoverian	1	113	.....	.....	.....	.....	1	113	.....	.....	.....	.....
Oldenburg	2	407	.....	.....	.....	.....	2	407	.....	.....	.....	.....
German	.....	.....	27	70, 920	16	34, 645	.....	.....	27	70, 920	16	34, 645
Norwegian	1	425	1	443	.....	.....	1	425	1	443	.....	.....
Danish	2	414	1	214	.....	.....	2	414	1	214	.....	.....
Belgian	1	118	.....	.....	.....	.....	1	118	....	.....	.....	.....
Italian	4	1, 216	1	248	2	560	4	1, 216	1	248	2	560
Greek	.....	.....	.....	.....	2	280	.....	.....	.....	.....	2	280
Uruguayan	.....	.....	1	273	.....	.....	.....	.....	1	273	.....	.....
All other	4	314	.....	.....	.....	.....	4	314	.....	.....	.....	.....
Total	266	241, 649	197	332, 832	181	‡282,377	267	241, 662	197	332, 832	181	‡282, 377

* From the British "Statistical Tables relating to Foreign Countries," No. XI, p. 397.

† From a report by Consul Mallet, on the trade of Panama; "Reports of Her Majesty's Consuls," No. 24, 1877, Part V, pp. 1217 and 1218.

‡ These columns foot 281,377 instead of 282,377, the error appearing in the consular report.

Statement showing the tonnage entered and cleared at the port of Panama during the year ended September 30, 1877.

[From the report of the United States consul at Panama. Commercial Relations, 1877, p. 196.]

Nationality.	Countries from which entered and for which cleared.	Entered.						Cleared.					
		Steamers.		Sailing vessels.		Total.		Steamers.		Sailing vessels.		Total.	
		No.	Tons.	No.	Tons.	No.	Tons.	No.	Tons.	No.	Tons.	No.	Tons.
United States	California, Mexico, Central America, Colombia	73	151,215	5	1,807	78	153,022	71	150,024	5	1,807	76	151,831
English	Valparaiso, Callao, Guayaquil, and way ports	65	75,144	1	975	66	76,119	65	75,144	1	975	66	76,119
Peruvian	Callao	2	3,274	6	503	8	3,777	2	3,274	6	503	8	3,777
Colombian		.....	.....	22	709	22	709	.....	.....	22	709	22	709
	Total	140	229,633	34	3,994	174	233,627	138	228,442	34	3,994	172	232,436

Fourth. The average length of time occupied in the voyages of sailing vessels from New York to San Francisco via Cape Horn is 125 days, and the average time of voyages from San Francisco to New York via Cape Horn is 110 days.

A statement in regard to the magnitude of the shipping and commercial interests which might be subserved by the construction of the proposed interoceanic ship canal and the commercial questions involved in the consideration of that subject may be found in the quarterly report of the Bureau of Statistics for the quarter ended March 31, 1880. It has not been deemed proper to introduce in this connection the facts and deductions presented in that statement for the reason that such facts and deductions are not embraced within the scope of the resolution.

Very respectfully, yours,

JOSEPH NIMMO, JR.,
Chief of Bureau.

Hon. JOHN SHERMAN,
Secretary of the Treasury.

46TH CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { Ex. DOC. No. 87.

SURVEY OF ILLINOIS RIVER.

LETTER

FROM

THE SECRETARY OF WAR,

TRANSMITTING

A copy of a report of Maj. G. J. Lydecker, Corps of Engineers, of the results of a survey of the Illinois River.

MAY 22, 1880.—Referred to the Committee on Commerce and ordered to be printed.

WAR DEPARTMENT,
Washington City, May 21, 1880.

SIR: I have the honor to transmit herewith to the House of Representatives a report of the Chief of Engineers, and copy of a report from Maj. G. J. Lydecker, Corps of Engineers, of the results of a survey of Illinois River, made in compliance with the requirements of the river and harbor act of March 3, 1879.

Very respectfully, your obedient servant,

H. T. CROSBY,
Chief Clerk.
(*For the Secretary of War, in his absence.*)

The SPEAKER
of the House of Representatives.

OFFICE OF THE CHIEF OF ENGINEERS,
UNITED STATES ARMY,
Washington, D. C., May 20, 1880.

SIR: To comply with the requirements of the river and harbor act of March 3, 1879, I have the honor to submit herewith a copy of a report to this office from Maj. G. J. Lydecker, Corps of Engineers, of the results of a survey of Illinois River.

Very respectfully, your obedient servant,

H. G. WRIGHT,
Chief of Engineers, Brig. and Bvt. Maj. Gen.

Hon. ALEXANDER RAMSEY,
Secretary of War.

SURVEY OF ILLINOIS RIVER.

UNITED STATES ENGINEER OFFICE,
Chicago, Ill., May 10, 1880.

GENERAL: I have the honor to submit the following report on a survey of the Illinois River, executed in pursuance of the act of Congress making appropriations for the improvement of certain rivers and harbors, approved March 3, 1879.

The question of a through line of water communication from the Mississippi to Lake Michigan, via the Illinois River, has been before Congress since an early date.

In 1822, the State of Illinois was authorized to make through the public lands of the United States a route for a navigable canal connecting the Illinois River with Lake Michigan, and between that date and 1854 Congress had granted to the State 321,760 acres of land to assist in its construction. The canal was first opened to navigation in 1848, its cost up to that time being $6,409,509.95; since then the State has spent a great deal towards its enlargement and maintenance. In the mean time several surveys, having in view the improvement of the Illinois River, have been made, the first in 1838, by Captain Howard Stansbury, Topographical Engineers; the next of any considerable importance was made under the direction of General J. H. Wilson, in 1866, the object of which was "to obtain such specific and accurate information in regard to obstructions to navigation in that river as will enable you to submit estimates for its improvement, so that the largest boats navigating the Illinois and Michigan Canal, and steamboats drawing 4 feet of water, will be enabled to pass through the river to Saint Louis during the season of extreme low water without breaking cargo."

His report on this survey led Congress to direct a more complete survey in 1867 (act approved March 2), the object of which was to prepare plans and estimates "for a system of navigation by way of the Illinois River, between the Mississippi and Lake Michigan, adapted to *military*, *naval* and *commercial* purposes." This duty was committed to a Board of Engineers composed of General J. H. Wilson and Mr. William Gooding, civil engineer, the latter having been for a long time the chief engineer of the "Illinois and Michigan Canal." The report of this Board was submitted to the Chief of Engineers under date of December 17, 1867, and is published in his annual report for 1868, pages 438 to 468. It recommended that the Illinois River be improved by the construction of five locks and dams, creating thereby a slack-water system with a navigable depth of 7 feet at the lowest stage, from the mouth of the river at Grafton to Utica, 227 miles above; the lock chambers were to be 350 feet long, 75 feet wide, and the estimated cost of the entire work was $1,953,600. To complete the through line to Lake Michigan, an enlargement of the canal was recommended, the estimated cost of this enlargement being, in round numbers, $16,250,000.

No appropriations were made by Congress to carry out the plan of improvement above indicated, but the State of Illinois, in substantial conformity with that plan, has constructed *two* of the proposed locks and dams (viz, at Henry and Copperas Creek) at a cost of $747,747, while the annual appropriations by Congress for improving the Illinois River (aggregating to date $589,150) have been applied mainly to ameliorating its navigable condition by dredging channels through the worst bars, and constructing dikes and wing-dams, for contracting the waterway. For a more detailed description of these operations, I would re-

spectfully refer to my report dated August 30, 1878 (which was published as House Ex. Doc. No. 81, 45th Congress, 3d session), a copy of which is transmitted herewith.

The several surveys and reports above referred to give so complete a description of the physical characteristics of the route, and present the arguments in favor of its improvement so forcibly, that it seems unnecessary to extend this report by repeating what has been so fully set forth before; accordingly it is limited to a brief outline of operations on the last survey, and a statement of what is necessary to complete the improvement of the river.

A substantial improvement having been effected from its point of connection with the canal down to Copperas Creek lock, it was decided to apply the $5,000 allotted for our survey to the remainder of the river, viz, from Copperas Creek to Grafton, where the Illinois empties into the Mississippi.

Mr. G. H. Hurlbut, assistant engineer, was placed in charge of the work, and, having organized his party, took the field at Copperas Creek, September 22, 1879; subsequently, October 30, 1879, a second party (under the immediate direction of Mr. R. A. Brown, assistant engineer, in local charge of the improvement of the river) was organized, to carry the survey from Grand Pass to Grafton (41½ miles), the object being to expedite the work during the very low stage of the river which prevailed at the time, and insure its completion before winter set in. This party closed its field-work at Grafton, November 8, 1879, and the party under Mr. Hurlbut, closed its work at Grand Pass Bridge, November 28, 1879, when field-work was suspended. It had been the intention to supplement the survey by a minute examination of the improved river above Copperas Creek, but this was impracticable, owing to the late date at which the survey was completed.

The survey comprised a transit line, a line of levels, a continuous series of soundings, and a number of observations for determining the low-water discharge of the river. The length of transit line from Copperas Creek lock to Grafton is 720,261 feet, or 136½ miles; the total fall at extreme low-water is 21 feet; the minimum low-water discharge, as determined by our observations, was 1,566 cubic feet per second; the aggregate length of lines of soundings is 425 miles; the total number of soundings being 50,732.

Applying the data presented by this survey to the question of improving the river, it seems necessary for us to consider at this time only two systems of improvement, viz: 1st, *dredging and the construction of wing-dams, dikes, &c.;* 2d, the *slack-water system.* By the former, it is my opinion that a low-water channel 6 feet deep and 200 feet wide may be obtained; for this work the following estimate must be regarded as a minimum:

For 6,150,000 cubic yards dredging, at 15 cents	$922,500
For 100,000 linear feet B and S dams, dikes, &c., at $3	300,000
	1,222,500

The time required would depend entirely on the amount of annual appropriations, noting that the dredging alone would furnish work for one dredge with an annual capacity of 125,000 cubic yards for a period of fifty years. The probable effect of establishing channels of the dimensions above indicated would be a more ready discharge of the water which is now held back by the various bars and shoals, from the deep water reaches above them, and the development of insufficient depth where it is now ample; hence we must expect considerable work in ad-

dition to that stated in the estimate, but its extent cannot now be determined. The improvement having been accomplished, subsequent annual appropriations of from $15,000 to $20,000 would be required for its maintenance.

Turning now to the slack-water system, our survey would indicate that by the construction of two locks and dams only, we could secure a reliable channel of navigation, having a low-water depth of 7 feet over the worst portions of the river; the exact locations for these works can be decided upon only after special examinations and surveys, with that object in view, but the upper one should be in the vicinity of La Grange; the other near Columbiana. The cost of these two works, at an outside figure, should not exceed $800,000; to complete the improvement to the mouth of the river would require dredging about 700,000 cubic yards; in addition to this, some dredging would be required in the pools created by the dams, in order to avoid building the latter unnecessarily high. But the limit of cost for the entire work on this system may be safely placed at $1,000,000. It will be observed that in this project I have departed in a measure from the plan recommended by the Board, which involved the construction of three locks below Copperas Creek, the last one being in the vicinity of Six-Mile Island, near the mouth of the river. My reasons for this are that the river below Columbiana has a depth of less than 7 feet in comparatively few places, and can be permanently improved by dredging, while wing-dams will not be needed on this section; therefore the construction of a lock and dam at Six-Mile Island seems to me unnecessary for the improvement of this section of the river; admitting this, the only question remaining is, whether by two locks and dams we can make the improvement as far down as Columbiana, instead of only to Bedford (about 15 miles above), as planned by the Board; it is my opinion that this can readily be done with the aid of a little dredging through the crests of the worst bars in the pools; slack-water having been created, the dredged channels would probably be permanent, or nearly so; finally, we would, in addition to saving in first cost, save the cost of maintaining and operating one lock and dam, while boats navigating the river would be saved the expense and time of lockage. This plan is the one indicated on the profile, included in the maps of the survey. The locks contemplated in this recommendation are to be 350 feet long and 75 feet wide, being the size originally proposed by the Board, and adopted by the State of Illinois for those already constructed at Henry and Copperas Creek.

I have no hesitation in selecting the slack-water system, aided by dredging, as that which will accomplish the improvement of the river in the best and most economical manner; it is the only system, in fact, that will give results commensurate with the national and commercial interests involved; in recommending this system, I simply repeat the opinions of my predecessors on the work and of all who have studied the question. If it be adopted, however, I would respectfully represent that the work is of a nature demanding appropriations of greater magnitude than any heretofore made; with small appropriations but little progress can be made in any one season, and the unfinished structure must be left exposed to the dangers of freshets and ice; its protection under these conditions, the loss of time during the favorable working seasons, and the outlay for repairing damages which will inevitably ensue, will add greatly to the cost. I would therefore urge that the first appropriation for each lock be not less than $300,000.

The laws of Congress require that reports of surveys of rivers and harbors shall contain "statements of all existing facts tending to show

to what extent the general commerce of the country will be promoted by the several works of improvements contemplated by such examinations and surveys." In fulfillment of this requirement it seems only necessary to note that the improvement of the Illinois River, supplemented by the enlargement of Illinois and Michigan Canal as heretofore proposed, will furnish a reliable and commodious channel of water communication from the Mississippi River to the Northwestern Lakes; by this line the vast Mississippi Valley and all the country tributary thereto is brought into direct water communication with Lake Michigan, at the great city of Chicago, with its flood of commerce eastward and westward; the route exists as a practicable one of considerable importance to-day, and the question is simply one of enhancing its value by increasing its capacity to a degree commensurate with the important interests involved.

Other routes have been examined and studied with care, but neither of them occupies so central a position, can be built so soon and with such certain results, maintained so economically, nor utilized through so great a part of the year.

Considering this simple statement, the facts so fully set forth in previous elaborate reports, and noting the wonderfully rapid development of the entire Western country, it would seem that nothing further is necessary to indicate "to what extent the general commerce of the country will be promoted" by the contemplated improvement, nor to show how desirable it is that the work should be accomplished with the least delay practicable.

The total amount appropriated for the improvement of the Illinois River from 1869 to date is		$589,150 00
From which there has been expended $545,909.57, as follows:		
For foundation of Copperas Creek lock	62,358 90	
For dredging wing-dams, &c., including machinery	483,550 67	
Total expended	545,909 57	
Leaving balance available May 8, 1880	43,240 43	
		589,150 00

* * * * * * *

I am, very respectfully, your obedient servant,

G. J. LYDECKER,
Major of Engineers.

Brig. Gen. H. G. WRIGHT,
Chief of Engineers, U. S. A.

[H. Ex. Doc. No. 81, 45th Congress, 3d Session.]

LETTER FROM THE SECRETARY OF WAR, TRANSMITTING REPORT UPON THE IMPROVEMENT OF THE ILLINOIS RIVER AND ILLINOIS AND MICHIGAN CANAL.

WAR DEPARTMENT,
Washington City, February 12, 1879.

The Secretary of War has the honor to transmit to the House of Representatives, in compliance with House resolution dated the 6th instant, report of the Acting Chief of Engineers, and copy of report of Capt. G. J. Lydecker, Corps of Engineers, dated August 30, 1878, relative to the improvement of the Illinois River and Illinois and Michigan Canal.

GEO. W. McCRARY,
Secretary of War.

The SPEAKER *of the House of Representatives.*

OFFICE OF THE CHIEF OF ENGINEERS,
Washington, D. C., February 11, 1879.

SIR: I have to acknowledge the reference to this office on the 10th instant of the following resolution of the House of Representatives, dated February 6, 1879:

Resolved, That the Secretary of War be, and he is hereby, requested to furnish to this House any information that may be in his possession relative to the improvement of the Illinois River or the enlargement of the Illinois and Michigan Canal,

and to return the same with the accompanying copy of the report of Capt. G. J. Lydecker, Corps of Engineers, dated August 30, 1878, prepared in obedience to instructions from this office, giving a history of the improvement of the river from its inception to the present time, &c., and also of the letter of the Chief of Engineers of November 18, 1878, submitting the same to the Secretary of War.

Very respectfully, your obedient servant,

H. G. WRIGHT,
Acting Chief of Engineers.

Hon. GEO. W. MCCRARY,
Secretary of War.

IMPROVEMENT OF ILLINOIS RIVER.

UNITED STATES ENGINEER OFFICE,
Chicago, Ill., August 30, 1878.

GENERAL: In accordance with instructions contained in department letter dated July 16, 1878, having in view the preparation of a plan for the "permanent and radical improvement" of the Illinois River, I have the honor to submit the following "history of the improvement from its inception to the present time, showing what general plan has been adopted, and how far the expenditures have been applied toward carrying out that plan; what changes, if any, have been rendered necessary during the progress of the work," &c.

The records at my command furnish no connected history antedating 1866. They indicate a survey, and report thereon, by Capt. Howard Stansbury, Topographical Engineers, in 1838, but the first step toward the improvement of the river seems to have been under the act approved August 30, 1852, appropriating $30,000 "for the improvement of the navigation of the Illinois River." It appears that operations to this end by dredging were carried on under the directions of Col. J. E. Johnson, Topographical Engineers, but I am unable to state the extent of these operations, or give the localities and dimensions of improved channels. A tabular statement, prepared by Mr. S. T. Abert, civil engineer, and published with General J. H. Wilson's report on the survey of the Illinois, in 1866, contrasts low-water depths on certain bars, as shown by surveys in 1838 and 1866. He concludes that this tabular statement indicates an improvement in depth at many places, and this increased depth is supposed to have resulted from the dredging done under the appropriation above referred to, from 1852 to 1854, probably. More accurate surveys in 1867 and subsequently fail to confirm the deductions drawn from this tabular statement, and I find no sufficient data to show a *permanent* improvement as the result of this early dredging.

In accordance with the act of Congress approved June 23, 1866, a survey "from the mouth of the Illinois River to La Salle" was ordered. The survey was conducted under the directions of General J. H. Wilson, Mr. S. T. Abert, civil engineer, being in immediate charge. The object

of this survey, as stated in General Wilson's instructions to his assistant, was—

> To obtain such specific and accurate information in regard to obstructions to navigation in that river as will enable you to submit estimates for its improvement, so that the largest boats navigating the *Illinois and Michigan Canal*, and *steamboats drawing 4 feet of water*, will be enabled to pass through the river to Saint Louis during the season of extreme low-water without breaking cargo.

Field operations were commenced at La Salle October 1, and finished at Grafton, the mouth of the river, November 28, the distance being 224 miles. Based upon this survey, the estimate for dredging channels through shoals and bars, so as to give a width of 150 feet 5 feet deep at extreme low-water, was 1,234,605 cubic yards, at a total cost of $1,528,450, or about $1.24 per cubic yard. General Wilson considered that this plan of improvement was applicable "to a part of this river only"; that it "cannot be depended upon to give more than 4 feet navigation under the most favorable circumstances," and recommended "the improvement of the Illinois River by a system of locks and dams, to be placed at such points between Lockport and Grafton as may be determined, after a full and careful survey, to be most advantageous; and that navigation shall be extended to the harbor of Chicago by the enlargement of the Illinois and Michigan Canal, so as to adapt it to the use of the largest boats plying on the Mississippi River." His project contemplated a navigable depth of 7 feet through canal and river at extreme low-water; the locks to be 350 feet long and 75 feet wide. The total cost was approximately estimated at $21,373,906, of which amount $3,123,796 applied to the improvement of the river, the balance to the enlargement of the canal. As a preliminary to the commencement of the work, a detailed and careful survey was recommended. (For further details, arguments in favor of this project, &c., see General Wilson's report, Ex. Doc. No. 16, H. R., Fortieth Congress, first session.)

The act approved March 2, 1867, directed the continuation of the "survey of the Illinois River in accordance with the recommendation of General J. H. Wilson." On the 8th of May orders were issued from the Engineer Department, constituting General J. H. Wilson and Mr. William Gooding, United States civil engineer, a board of engineers for the purpose of "conducting surveys and examinations and preparing plans and estimates for a system of navigation, by way of the Illinois River, between the Mississippi and Lake Michigan, *adapted to military, naval, and commercial purposes.*" To carry on this work three parties were successively organized; the first two, commencing work in June and July, were occupied between Chicago and La Salle, to determine questions pertaining to the enlargement of the canal and the most feasible route from the river to the lake. The third party was organized "late in August, the Illinois River having reached the lowest stage known for years"; this party was specially charged with the low-water survey, directed to survey "the bed of the river, and particularly the sand-bars below La Salle."

Field operations on these surveys were continued throughout the fall of 1867. The board submitted its report December 17, 1867. (Report Chief of Engineers for 1868, p. 438.) The board concluded, after a careful examination of all the facts developed by extensive surveys and personal examination, that in constructing such a system of navigation as the interests of the country require, the government must follow the general line of the Illinois and Michigan Canal and the Illinois River"; and the opinion was expressed that the line recommended "is the only feasible route for deep-water communication between the Great Lakes

and the Mississippi River, equally adapted to military, naval, and commercial purposes." The *plan of improvement* recommended by the board was to create slackwater in the Illinois River, from near its mouth up to the head of Lake Joliet (passing the "Grand Rapids" at Marseilles by a piece of independent canal), securing a navigable depth of 7 feet at the lowest known stage of the river; this improvement of the river proper to be supplemented by the enlargement of the Illinois and Michigan Canal to a corresponding capacity. The estimated cost of the entire improvement was $18,217,242.56, of which amount less than two million dollars applied to the *river* improvement from its mouth to La Salle. It was recommended that this part of the work should be done first, and the principal elements in its accomplishment were the construction of five locks and dams, as follows:

	Estimated cost.	
	Lock.	Dam.
Near Henry	$240,000	$80,000
Near Copperas Creek	240,000	58,500
Near La Grange	235,000	61,500
Near Bedford	240,000	90,000
Near Six-Mile Island	330,000	195,000
Total cost	1,285,000	485,000

With reference to other plans of improvement, the board considered that while the navigation of the river might be much improved by *dredging* and wing-dams, it was "doubtful whether any amount of expenditure upon this plan would give an available depth for navigation of more than 4 feet at extreme low-water in a channel 160 feet wide," and that "such an improvement, if it could be made permanent (of which we have great doubt), would certainly fail to meet the military, naval, and commercial purposes designed," &c. The plan of supplying water from Lake Michigan to maintain sufficient depth during the low-water season was rejected by the board as "impracticable at any cost."

The report gives in considerable detail the naval and military considerations in favor of the improvement, the advantages of the Illinois and Michigan Canal as the connecting link between the river and lake, the objections to other lines that had been suggested, and arguments in favor of the lock-and-dam system on the river, as well as those against the other systems of improvement considered; but the object of this communication does not call for the repetition of all these points. The report is printed in the Annual Report Chief of Engineers for 1868, pp. 438 to 468.

In the following year field operations were confined to special examinations and local surveys for the selection of sites for the contemplated locks and dams. These examinations were not sufficiently thorough to absolutely fix upon the sites, but they indicated that the natural features of the localities examined would present no great obstacle to the construction of the required works nor to their subsequent security. The manner of conducting these examinations, together with the descriptions of the several sites, is published in the Report of the Chief of Engineers for 1869, pages 252 to 259.

In the mean time $85,000 had been allotted to the Illinois River from the general appropriation for $1,500,000 (act approved July 25, 1868), to be applied to the improvement of the river from La Salle to its mouth. This amount being two small to begin with, it was subsequently with-

drawn (no expenditure having been made therefrom), and it was recommended that no work on the contemplated plan should be undertaken until $300,000, estimated as the amount required to complete one lock and dam, had been appropriated. This amount was asked for for the fiscal year ending June 30, 1869, but it was not appropriated. The general assembly of the State of Illinois, however, looking to the accomplishment of the proposed plan of improvement, directed the construction of a lock and dam (at Henry) as the first step in the work (act approved February 26, 1869). Operations on this work were carried on under the directions of the State board of canal commissioners in substantial conformity to the plan of improvement recommended by the United States Board of Engineers.

From the general appropriation of $2,000,000 (act of Congress approved April 10, 1869), $84,150 was allotted for improving the Illinois River. It was decided to apply this toward dredging the bars between Henry and the site of the next proposed dam (at or near Copperas Creek) so as to give 7 feet depth, with less height of dam at the latter place. In recommending this application of the funds, General Wilson states:

> Former dredgings on this river by the government (in 1859) have demonstrated the fact that permanent improvements can be effected by this method.

Work under this project was commenced October 28, 1869.

In the following year (1870) General Wilson directed a change in the plan of operations, so as "better to subserve the interests of navigation." His modified plan proposed that the funds should be applied to dredging an open channel 150 feet wide and 4 feet deep at low-water, and to building "catchment and wing dams," when necessary. Those bars which formed the greatest obstruction to navigation were to be dredged first, and it was proposed to continue in this way "until the means for slack-water navigation are fully or nearly furnished." From that time to the present all dredging operations have been substantially in accordance with this plan, except that in many cases the channels were not dredged to the full width contemplated.

In the fall of 1870, Col. J. N. Macomb, Corps of Engineers, succeeded General J. H. Wilson in charge of this work. Under his directions a revised estimate of the cost of dredging the channels (150 feet wide, 4 feet deep) and building the auxiliary dams was prepared, amounting in round numbers to $392,000, provided money sufficient to complete the work in two years should be appropriated. The estimated cost of subsequent maintenance was $20,000 for building dredging machinery, boats, &c., to be operated by hired labor; the annual running expenses being estimated at $8,000. (Report Chief of Engineers for 1871, pages 279 and 280.)

During the period that Colonel Macomb was in charge of the work (1870 to 1877), operations were continued by dredging, building dams, &c., at points where the interests of navigation called for work, all on the general plan adopted in 1870.

The annual report for 1873 (page 437) states that the—

> Improvement has thus far been carried on conjointly by the general government and the State of Illinois, according to a system adopted some four years since; the State of Illinois undertaking the building of locks and dams, and the United States preparing the river bed so as to afford, when the dams shall have been built, a navigation for vessels drawing 7 feet of water. To complete the last-named part of the work will probably require about $350,000. * * *

In the mean time the State had built a fine lock and dam at Henry, while the general government had "prepared the river bed" from that place to Copperas Creek, in the vicinity of which a second lock and dam were to be built.

In 1873 some arrangement was made by which the government undertook to build the foundations of the Copperas Creek lock, at a cost of about $80,000; the State was to complete the lock and build the dam. Operations on the lock-pit were commenced by the government September 1, 1873, and continued until the end of September, 1874, when the foundations were finished, the work turned over to the State, and has since then been completed. In the fall of 1877, Capt. G. J. Lydecker, Corps of Engineers, was assigned to the charge of the work, relieving Col. J. N. Macomb, and dredging operations, under the contract then in force, were continued to the end of the last fiscal year (June 30, 1878), when the contract was closed; since that date no work has been done.

The extent to which navigation has been improved may be briefly stated as follows: The State works at Henry and Copperas Creek furnish a reliable 7-foot navigation for a distance of about 100 miles. On that part of the river below Copperas Creek a present navigable depth of 4 feet has been obtained over the worst bars by dredging, building wing-dams, &c., but other bars remaining unimproved will not carry more than 2½ feet during extreme low-water; consequently through navgation is limited to that depth during low-water season.

All work on the river has been done by contract. Its extent and the amount paid therefor to contractors may be summarized as follows: (For details, see Statement A.)

(*a*) Total dredging, 811,434 cubic yards	$235,785 39
(*b*) Time work by dredge (snagging, &c.) 1,655 hours	17,050 77
(*c*) Brush and stone dams, about 6,000 linear feet	29,117 08
(*d*) Foundation Copperas Creek lock	62,358 90
(*e*) Removing wreck near Peru	450 00
Total paid to contractors	344,762 14

The aggregate length of dredged channels is 123,320 linear feet, varying in width from 40 to 50 feet, most of them being under the full width designed. The dredged material was largely used in forming dikes and dams for contracting the river or closing lateral channels, in addition to the brush and stone dams referred to above.

The total amount appropriated for the improvement from 1869 to June 30, 1878 (Statement B, appended), is	$549,150 00
Amount expended to June 30, 1878 (Statement C, appended), is	471,016 58
Balance available July 1, 1878	78,133 42

The principal facts gleaned from the preceding historical sketch of the improvement may be recapitulated as follows: The *plan of improvement*, adopted by the board of engineers after extensive surveys in 1866 and 1867, was a lock and dam (slack-water) system, designed to furnish a reliable 7-foot depth. Appropriations sufficient to carry out this plan were not made, whereupon the State of Illinois undertook the work of building the necessary locks and dams, substantially on the plan adopted by the board, and up to date have finished two of these works (viz, at Henry and Copperas Creek), the general government building the lock foundation at the latter place. As auxiliary to the State work, the general government commenced (in 1869) dredging channels through the various bars between Henry and Copperas Creek, to a depth sufficient to give 7 feet navigation when the dam at Copperas Creek was finished, intending to continue down the river, and in this way provide for the required depth, with diminished height of dams. This plan was soon modified (in 1870) to dredging channels, 4 feet deep, through the worst bars, taking them in the order of their importance as obstructions to navigation, so as to enlarge the navigability of the river as rapidly as

possible. In connection with this work, wing-dams were built, side channels closed by brush and stone dams, &c. These different changes were "rendered necessary," only because Congress did not appropriate sufficient money at any one time to warrant a start on the plan recommended, while parties interested in the navigation of the river called for immediate relief.

The only work done by the general government, applied to carrying out the plan adopted by the board, was the construction of the Copperas Creek lock foundation, and dredging in the pool above; the total expenditure for these purposes was about $150,000. All other expenditures, amounting to $321,016.58, were on the plan of dredging open channels, building wing-dams, &c., to give immediate relief to navigation; hence this may be regarded as the "general plan adopted."

In addition to what precedes, I am called upon to state "whether any material changes are in your (my) judgment necessary, and whether, in any plan for the radical improvement, the work already accomplished may not form a component part."

It is my opinion, for the reasons to be given, that some material changes in the general plan adopted are necessary, in order to accomplish, at an early date, the ultimate object; but that the work already done may form a component part, and aid in the execution of any plan for a more perfect and radical improvement. The objections to the present plan of operations may be stated in general terms as follows: Slow progress towards the attainment of the completed improvement, temporary character and excessive cost, of the results obtained. I do not know the nature of the agreement by which the State and general government co-operate in the work; whether it is a well-defined and binding affair, or simply an indefinite understanding. In either case it is one of the principal causes operating to retard the progress of the work. The interests involved in its completion are not local simply, but widespread, and it is my belief that the improvement would be attained more speedily, and the various interests best subserved, if the whole cost and direction of operations for the improvement of the river were assumed by the general government, and it is eminently right that this should be done, when the national importance and general commercial value of the route are considered. The State government will have much more than its share of the expenses if it enlarges the Illinois and Michigan Canal to give to the through line the width and depth designed; the estimated cost of this part of the work being about $16,250,000. If the ultimate improvement is to be obtained by carrying out the slack-water system, it would be far better to build the necessary locks and dams *at once*, and not do any more dredging in the pools resulting from their construction, until they are completed; afterwards, this dredging could be done where needed, at less expense, and the work would be permanent, or as nearly so as possible. On this plan we can speedily, *economically*, and *surely* secure the radical improvement desired; one which would furnish a certain and reliable navigation at all times, for vessels drawing 6 feet; and if the necessary appropriation can be obtained, I would urge its adoption as the basis for next season's operations. The work already done will modify in some of its details the project proposed by the board of engineers. Without going extensively into these details here, it may be sufficient to state that instead of three more locks and dams, it is my opinion that only two will be necessary, the last dam on the river being located in the vicinity of Columbiana Flats, about 31 miles above the mouth of the river. The fall of the river in these 31 miles (as shown by profile of 1867) is 3 feet, or

only 0.1 foot per mile. The depth of water is considerably over 7 feet for most of the distance, and but little dredging would be required to give this depth throughout, while the conditions are such that channels of any desired width could be made, and they would be permanent. The total cost to complete, by this system, should not exceed $1,000,000.

Whatever dredging is necessary should be done by machinery, owned and operated by the government. My annual report for 1878 contains this recommendation and the reasons therefor. I may add to what is stated therein, that from an examination of the statements accompanying this report, it would appear that the average cost of dredging, including the elaborate surveys and engineering operations necessary in following out the contract system heretofore in use, was over 40 cents per cubic yard. I would also note that my predecessors in charge of the work have, on different occasions, recommended the purchase or construction of a dredging outfit, to be operated by the government.

The question as to what is our best course, if we cannot have the means to build the locks and dams, remains to be answered. In this case we should prepare for obtaining the best practicable improvement by dredging, and the construction of wing-dams and dikes. It is impossible to state positively to what extent the river may be improved by this method, though I should look for something much better than a channel 160 feet wide and 4 feet deep, the limits indicated in the report of the board; but it must be remembered that the board had under consideration the whole length of river, up to La Salle, while we have now in question only that part from Copperas Creek lock to the mouth, where the slope is less than on the upper section, and the low water discharge is considerably greater. The distance from the lock to Grafton is 137 miles, with a total fall (low-water surface, profile of 1867) of 21 feet, giving a mean fall of 0.15 foot per mile; the aggregate lengths of bars and shoals on which the depth at low-water is less than 6 feet is about 70 miles, or a little more than one-half the entire distance. It is unfortunate that the surveys and records thereof, at least such as are accessible to me, do not supply all the data required for a complete discussion of the questions before us; they furnish everything necessary to show that a slack-water system can be readily and cheaply obtained, but little that is required for a careful consideration of other methods of improvement. For that now under consideration we should know with some certainty the low-water discharge at different places on this section of the river; but from the records in my possession, I can find no reliable information on this point, and I have been unable to have it determined, for the reason that no low-water state has been reached since my connection with the work began. From such facts as I have been able to gather, it cannot be assumed as exceeding 2,000 cubic feet per second. A channel 200 feet wide and 6 feet deep, with a slope of 0.2 foot per mile, would discharge *1,504 cubic feet per second, whence it is

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*By de Prony's formula:

$$V = 10^0 \sqrt{R\,I - 0.15'} = 1.31 \text{ feet,}$$

whence discharge = 1,562 cubic feet.

By Eytelweim's formula:

$$V = 94.5 \sqrt{R\,I - 0.11'} = 1.27 \text{ feet,}$$

whence discharge = 1,524 cubic feet.

By Bazin's (river) formula:

$$V = \sqrt{\frac{R^m\,I}{0.00028\left(1 + \frac{1.25}{R^m}\right)}} = 1.19 \text{ feet,}$$

whence discharge = 1,428 cubic feet.

The mean (1,504 cubic feet) is taken above.

to be inferred that such a channel could be made and maintained through the different bars, if the low-water cross-sections outside of the channel limits are properly reduced by low dams. The amount of dredging would be very great, not short of 8,000,000 cubic yards probably; with suitable machinery and systematic work (*i. e.*, completing each channel before commencing on another, instead of moving from place to place simply to supply the present wants of navigation), it could be done at 15 cents per cubic yard; but even at this rate the first cost of the dredging would be $1,200,000; the auxiliary wing-dams would cost at least $50,000 more, and the subsequent annual cost of maintaining the improvement could not safely be estimated at less than $15,000. It is possible that the amount of dredging might be diminished by an increased expenditure for dams and dikes, but at present I have no data to show that any saving in cost could be effected in this way, and it is not believed that the construction of channels materially smaller than the one indicated would meet the ultimate requirements of the route. The time in which the improvement could be accomplished on this plan cannot be stated definitely, nor can any positive statement be made as to its permanence; it is highly probable, however, that most of the work would stand well, deteriorating slowly and gradually; but in some localities it would be liable to sudden and complete destruction at any time.

Comparing, now, this with the slack-water system, it is seen that the latter has the advantage in every important feature. It will cost less, can be accomplished within a shorter period of time, its results would be certain, and the improvement would be permanent. It may be proper to note here that those at present interested in the local navigation of this part of the river seem strongly opposed to the slack-water system, and really look upon the structures at Copperas Creek and Henry as obstructions to navigation. The point is, their boats are adapted to a low-water navigation, and they would prefer an open channel of 4 feet rather than have the additional depth and pay the tolls now exacted for the passage of the locks, the owners of boats and barges claiming that these tolls are excessively high, constituting almost a prohibitory tariff on their business. If, however, the construction of the remaining locks should be undertaken by the general government, there would be a decided change in this respect; the tolls then collected being reduced to the amount necessary for maintaining and operating these works only, would be a small matter, and would cause no complaint, when the great advantages to be derived from the improvement are recognized. But as it is now the locks on the river are under the same management as the Illinois and Central Canal, and the tolls from the former are undoubtedly applied, in part at least, to maintain the latter. It would seem that such a tax on the river commerce is not only unjust, but unnecessary, as much so as it would be to tax vessels navigating the Hudson River and apply part of the proceeds to defraying the expense of the Erie Canal.

The following are the conclusions to which this report leads:

1st. That the slack-water system is the one on which the improvement of the river should be completed.

2d. That the completion of this system, aided by dredging, should be undertaken by the *general government* at once, or as soon as practicable.

3d. While it is believed that a radical improvement can be effected by dredging, its cost would exceed that of the slack-water system, the improvement would be less certain, and would require considerable annual expenditure for maintenance.

4th. That all dredging can be better and much more economically done by machinery owned and operated by the government.

5th. The work already done may form a component part of either of the above-mentioned plans.

In view of the above, I have the honor to submit the following recommendations:

1st. That an appropriation of at least $400,000 be urged for the fiscal year ending June 30, 1880, to be applied to building one lock and dam, and such dredging as may be necessary to obtain the required depth after the dam is constructed.

2d. That from the appropriation now available there be purchased or built an outfit with which to carry on future dredging operations; said outfit to consist of one first-class dredge, two dump-scows, two deck-scows, and one tow-boat, the total cost of which would probably be about $30,000. This outfit would be required for *either* system of improvement. For extensive dredging operations, the outfit should be increased to number at least three dredges, with scows, &c., complete.

3d. That no more dredging be done until next season, unless it should be found necessary to do a little work for the restoration of channels, and for maintaining navigation during extreme low-water; and that such work, if any is called for, may be done by hired labor and machinery and purchases in open market; but that the engineering party be employed in careful examinations and surveys, in order to show what changes have taken place in the various dredged channels since their improvement, amend existing maps to correspond to the present condition of the river from Copperas Creek to Grafton, and supply all the data needed for future operations, whether for the construction of locks and dams or dredging.

I am, very respectfully, your obedient servant,

G. J. LYDECKER,
Captain of Engineers.

Brig. Gen. A. A. HUMPHREYS,
Chief of Engineers, U. S. A.

STATEMENT A.—*Summary of work done, and amounts paid to contractors, for the improvement of the Illinois River, from* 1869 *to June* 30, 1878.

(*a*) DREDGING.

No. of bars going down stream.	Designation of bar.	Amount of dredging, 1869 to 1878.	Amount paid for dredging.	Dimensions of low-water channel, referred to low-water surface of 1867.					Date of improvement.	Remarks.
				Before improvement.		After improvement.				
				Approximate width.	Approximate depth.	Length dredged.	Width.	Depth.		
		Cubic yards.		*Feet.*	*Feet.*	*Feet.*	*Feet.*	*Feet.*		
1	Sycamore	These bars were all flooded when the dam at Henry was constructed, by State; no dredging needed.	.....	75	2.5	.....	.....	Reported at 7 feet below raised water surface after the construction of Henry dam.	.....	Locks and dams were built at Henry and Copperas Creek, by the State of Illinois, 1870 to 1876; the general government built the foundation of the Copperas Creek lock at a cost, for labor and materials, of $62,358.90. These works, with dredging done by the government on bars 11 to 20 inclusive, furnish a navigable depth of 7 feet from Copperas Creek to Utica, a distance of 95 miles.
2	Spring Creek		.....	50	2.3	.....	.....		.....	
3	Tree-Top		.....	50	2.0	.....	.....		.....	
4	Coat Island		.....	125	2.0	.....	.....		.....	
5	Negro Creek		.....	50	3.0	.....	.....		.....	
6	Bureau		.....	200	3.0	.....	.....		.....	
7	Muscle Shell		.....	75	2.5	.....	.....		.....	
8	Hennepin Flats		.....	50	2.0	.....	.....		.....	
9	Sister Island		.....	50	2.2	.....	.....		.....	
10	Willow Island		.....	50	1.5	.....	.....		.....	
11	Henry	4,932.6	$1,973 04	50	2.0	1,800	150	5.0	1871	
12	Spring Branch	3,249.7	1,299 88	120	4.0	2,000	150	5.0	1869	
13	Crow Creek	5,314.0	2,125 60	150	4.0	3,000	150	5.0	1871	
14	Smachnine	5,575.7	2,230 28	150	3.8	2,500	150	5.0	1869	
15	Peoria Bridge	4,346.0	1,738 40	50	3.8	600	125	4.0	1870, 1871	
16	Peoria Flats	61,569.1	24,627 64	50	2.4	7,500	125	4.0	1870, 1871	
17	Kickapoo	16,576.0	6,630 40	100	2.3	1,500	150	4.0	1870	
18	Dick Creek	1,295.8	12,518 32	30	2.3	2,750	150	4.0	1870	
18	....do	.....	.....	.....	Restoration of channel in				1874	
19	Tamarack Island—Kingston Flats	22,916.0	9,166 40	50	2.2	3,500	150	4.0	1870	
20	Dutchman's	28,775.0	11,510 00	50	2.5	6,000	150	4.0	1870	
21	Lancaster Flats	Bars flooded by dam. No dredging needed.		50	2.8	.....	.....	.....	.....	
22	Coon Valley			100	3.5	.....	.....	.....	.....	
23	Canton Landing			50	2.6	.....	.....	.....	.....	
24	Copperas Creek			50	3.0	.....	.....	.....	.....	

In pool formed by Copperas Creek dam.

STATEMENT A.—*Summary of work done, and amounts paid to contractors, for the improvement of the Illinois River, from* 1869 *to June* 30, 1878—Continued.

No. of bars going down stream.	Designation of bar.	Amount of dredging, 1869 to 1878.	Amount paid for dredging.	Dimensions of low-water channel, referred to low-water surface of 1867.					Date of improvement.	Remarks.
				Before improvement.		After improvement.				
				Approximate width.	Approximate depth.	Length dredged.	Width.	Depth.		
		Cubic yards.		*Feet.*	*Feet.*	*Feet.*	*Feet.*	*Feet.*		
25	Devil's Elbow	42,298.5	$10,468 88	75	2.5	2,750	150	4.5	1871	Channel filled up to 2 feet.
						1,400	80			
						800	60			
25	.....do	16,312.0	4,078 00	75	1.8	1,000	40	4.0	1877	Restoration of channel.
						2,500	140			
26	Bath Chute, entrance to	30,811.0	7,702 75	100	2.0	1,200	60	4.0	1877	Bars Nos. 1 and 2, head of Grand Island.
27	Sugar Creek	49,399.0	12,349 75	20	1.0	7,500	110	4.0	1875	
		22,506.0	6,301 68	.....	.....	600	120			
27	.....do	7,810.0	2,186 80	Dry bar.		2,500	60	3.3	1876	Restoration of channel.
28	Toll-gate	18,486.4	4,575 38	50	2.8	2,500	150	4.5	1871	
29	Beardstown	60,022.1	14,855 46	30	2.2	5,300	150	4.5	1871, '72, '73	
						1,800	60			
29	.....do	4,191.0	1,173 48	For restoration of channel.				4 0	1876	
30	Morris Island	36,993	9,155 77	40	2.3	4,000	150	4.5	1871	
31	McKee's Creek	32,901	9,212 28	50	2.5	3,100	120	4.0	1875	
32	Naples Bar, No. 1	35,921	8,890 45	50	1.8	6,000	150	4.5	1872	
33	Naples Bar, No. 2	7,315	2,048 20	For restoration of channel.					1876	
34	Gar Island or Naples Flats	53,172	13,293 00	25	2.0	8,600	105	4.0	1875	
35	Blue River	22,596	5,592 51	50	2.3	2,250	150	4.5	1872	
36	Little Blue River	12,483	3,495 24	50	2.5	1,500	140	4.0	1875	
37	Slim Island	20,456	5,727 68	40	3.0	3,400	140	4.0	1876	
38	Bedford	2,435	681 80	40	3 0	400	140	4.0	1876	
39	Pilot Peak	16,632	4,656 96	50	3.0	3,400	140	4.0	1876	
40	Buckhorn	28,004	7,841 12	50	2.8	5,200	140	4.0	1876	
41	Grand Pass	8,324	2,330 72	75	2.0	2,300	140	4.0	1876	
						1,600	80			
42	Pear Shoals	12,825	3,335 19	100	2.5	900	120	4.0	1875, 1877	

43	Otwells	636	159 00	100	2.0	220	40	4.0	1877
44	Spar Island	15,041	3,983 99	100	2.8	1,500	150	4.0	1875
45	Fisher's	17,760	4,400 00	100	2.0	3,500	100	4.0	1877, 1878
46	School House	15,898	3,974 50	50	2.5	2,400	150	4.0	1875
47	Apple Creek, No. 1	18,053	5,054 84	50	3.0	1,700	150		
48	Apple Creek, No. 2					1,650	120	4.0	1875
49	French	17,604	4,401 00	100	1.7	8,700	110	4.0	1874, '75, '76
	Totals	811,434.9	235,785 39			123,320			

(a)	Total dredging, 811,434.9 cubic yards		$235,785 39
(b)	Time-work by dredge, snagging, casting on dams, &c., 1,655[h] 23[m]		17,050 77
(c)	Brush and stone dams:		
	3,976 cords brush, cost	$9,408 98	
	5,370.7 cubic yards stone, cost	15,749 15	
	26,393 linear feet piles, cost	3,958 95	
	Making about 6,000 linear feet		29,117 08
(d)	Foundations Copperas Creek lock, cost		62,358 90
(e)	Removing wreck near Peru, cost		450 00
	Aggregate of amounts paid to contractors, items (a), (b), (c), (d), and (e)		344,762 14

STATEMENT B.

Amounts allotted to, and appropriated for, the improvement of the Illinois River from 1869 *to* 1878, *inclusive.*

Act approved April 10, 1869, for repairs, preservation, &c., of river and harbor works, allotted	$84,150 00
Act approved July 11, 1870, appropriated	100,000 00
Act approved March 3, 1873, appropriated	100,000 00
Act approved June 23, 1874, appropriated	75,000 00
Act approved March 3, 1875, appropriated	75,000 00
Act approved August 14, 1876, appropriated	40,000 00
Act approved June 18, 1878, appropriated	75,000 00
Total from 1869 to June 30, 1878	549,150 00

STATEMENT C.

Statement derived from annual reports, showing total expenditures applied to improving the Illinois River, from the beginning of work in 1869 *to June* 30, 1878.

Total amount expended from June 30, 1869, to June 30, 1872	$171,601 47
Total amount expended during fiscal year ending June 30, 1873	13,829 34
Total amount expended during fiscal year ending June 30, 1874	52,796 78
Total amount expended during fiscal year ending June 30, 1875	82,796 02
Total amount expended during fiscal year ending June 30, 1876	73,434 56
Total amount expended during fiscal year ending June 30, 1877	52,067 72
Total amount expended during fiscal year ending June 30, 1878	24,490 72
Total expenditures to June 30, 1878	471,016 61

This amount is arrived at by the following process:

There was allotted from act of April 10, 1869	$84,150 00
There was appropriated July 11, 1870	100,000 00
Total appropriated to June 30, 1872	184,150 00
The balance available June 30, 1872, per financial statement, Report Chief of Engineers for 1872, page 281	12,548 53
Difference assumed as expended	171,601 47

LETTER OF THE CHIEF OF ENGINEERS.

OFFICE OF THE CHIEF OF ENGINEERS,
Washington, D. C., November 18, 1878.

SIR: In the further prosecution of the improvement of Illinois River, by whatever plan that may hereafter be adopted, more or less dredging will always be necessary, and it would appear from the accompanying report of Capt. G. J. Lydecker, Corps of Engineers, the officer in charge, herewith submitted, that such works will be more economically done with machinery owned and operated by the government.

I beg leave, therefore, to recommend that so much of the appropriation of $75,000, of June 18, 1878, as may be necessary, be applied to the construction or purchase of requisite machinery, and that the balance be applied to operating expenses and the purchase of materials (brush and stone) for continuing the construction of dams and jetties. The work to be done by hired labor and the materials purchased in open market.

The present time appearing opportune for the consideration of the various improvements on the Illinois River, having in view the preparation of a plan for its permanent and radical improvement, it was deemed

advisable, before taking steps towards the application of the funds now available, to inquire particularly into the present condition of this work. With this view, and by instructions from this office, Captain Lydecker transmitted the report which I now submit, in which he gives a history of the improvements made to the present time, showing what general plan has been adopted and how far the expenditures have been applied to carrying out that plan, and what changes have been found necessary during the progress of the work, &c.

Captain Lydecker's report leads to the conclusion that while a radical improvement might be effected by means of dredging and wing-dams, its cost would exceed the cost of a slack-water system, and the improvement would be less certain and would require considerable annual expenditure for maintenance.

Captain Lydecker appears to be correct in his conclusions, but until the question of continuing the slack-water system below the locks already built by the State of Illinois is sanctioned by Congress, the expenditure of the present appropriation can only be applied, as heretofore, to the continuation of the plan of dredging and wing-dams.

Very respectfully, your obedient servant,

A. A. HUMPHREYS,
Brigadier-General and Chief of Engineers.

Hon. GEO. W. MCCRARY,
Secretary of War.

[Indorsement.]

Approved.

By order of the Secretary of War.

JOHN TWEEDALE,
Acting Chief Clerk.

NOVEMBER 19, 1878.

46TH CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { Ex. Doc. No. 88.

CONTINGENT FUND OF THE TREASURY DEPARTMENT.

LETTER

FROM

THE SECRETARY OF THE TREASURY,

TRANSMITTING

Statement of the expenditures of the contingent fund of the Treasury Department for the year ended June 30, 1879.

MAY 27, 1880.—Referred to the Committee on Expenditures in the Treasury Department and ordered to be printed.

TREASURY DEPARTMENT, *May* 27, 1880.

Hon. SAMUEL J. RANDALL,
Speaker House of Representatives:

SIR: In compliance with section 193, Revised Statutes, I have the honor to transmit herewith a report of contingent expenses of this department for the fiscal year ended June 30, 1879.

Very respectfully,

JOHN SHERMAN,
Secretary.

Statement of expenditures from the appropriation for the contingent expenses of the Treasury Department for the fiscal year ended June 30, 1879.

BINDING, NEWSPAPERS, &c.

1878.					
July	3	The North American Review ...	1 year's subscription.....	.....	$5 00
	7	Mrs. Margaretta Wessner	Book	.....	5 00
	8	G. P. Rowell & Co	1 year's subscription, Newspaper Directory.	.....	1 50
	8	Inter-Ocean Publishing Co.....	1 year's subscription, 2 copies ...	.....	20 00
	8	New York Evening Post	1 year's subscription.....	.....	9 00
	8	Press Company	.....do	.....	8 75
	8	M. Halstead & Co	1 year's subscription, Cincinnati Commercial.	.....	14 00
	8	Nation Republican Printing Co.	1 years's ubscription.....	.....	6 00
	8	J. B. Adams.....	1 year's subscription, New York Tribune, 3 copies.	$45 00	
			1 year's subscription, New York Herald, 2 copies.	30 00	
			1 year's subscription, New York Times, 2 copies,	30 00	
			1 year's subscription, New York World, 1 copy.	15 00	
					120 00

Expenditures from appropriation for contingent expenses, Treasury Department, &c.—Cont'd.

BINDING, NEWSPAPERS, &c.—Continued.

1878.				
July 8	Chicago Tribune Company	1 year's subscription, 2 copies		$24 00
8	Boston Daily Advertiser	1 year's subscription		12 00
8	Cleveland Herald Company	do		10 00
8	Atlantic Monthly	do		4 00
8	Graphic Publishing Company	do		12 00
8	Scribner's Monthly	do		4 00
8	Cincinnati Gazette Company	do		12 00
9	F. A. Fill & Co	1 year's subscription, London Economist.	$18 00	
		1 year's subscription, Harper's Weekly.	4 00	
				22 00
15	John M. Adams & Co	1 year's subscription, Daily Argus		7 00
15	Journal of Commerce	1 year's subscription		12 00
15	New Orleans Price Current	do		10 40
15	Journal Newspaper Co., Boston	do		9 00
15	New York Herald	do		10 00
15	J. B. Adams	2 Collins' General Atlas	40 00	
		1 Webster's Dictionary	12 00	
		Books	13 00	
				65 00
18	The Graphic Company	1 year's subscription		12 00
20	Army and Navy Journal	do		6 00
20	The Daily Union	do		9 00
23	The Chicago Tribune	do		12 00
25	The Sunday Republic, Washington, D. C.	Advertising		1 63
25	The National Republican Printing Company.	do		12 68
25	The Washington Journal	do		21 00
25	Daily Alta	1 year's subscription		8 00
26	National Republican Printing Company.	Advertising		5 50
31	H. Baumgarten	3 hand-stamps		33 00
31	Employés bindery	Pay-roll, July		575 83
Aug. 2	B. F. Brown	1 hand-stamp		15 00
8	J. B. Adams	9 directories	48 50	
		1 Pronouncing Gazetteer	10 00	
				58 50
14	D. C. Forney	Advertising		1 76
16	National Republican Printing Company.	Subscription, August 16, 1878, to July 1, 1879.		5 25
30	H. Baumgarten	2 hand-stamps	19 00	
		1 new die	7 50	
		8 new dates	4 00	
				30 50
31	Employés bindery	Pay-roll, August		609 83
Sept. 6	David C. Curriden	Book		2 40
13	J. B. Adams	1 Colton's General Atlas	20 00	
		1 Webster's Dictionary	12 00	
		Books	6 75	
				38 75
14	Robert Beall	Books		54 25
23	Army and Navy Journal	1 year's subscription		6 00
25	B. F. Brown	2 hand-stamps	20 00	
		2 dies and repairs	11 00	
		4 dozen stamp ribbons	30 00	
				61 00
25	T. H. L. Hamersly	11 copies United States Statutes at Large.		55 00
30	Employés bindery	Pay-roll		570 58
Oct. 4	T. H. L. Hamersly	1 Webster's Dictionary	12 00	
		Books	52 00	
				64 00
5	H. Baumgarten & Brother	Repairs, hand-stamps		10 80
7	Solomons & Chapman	Books		20 00
7	M. S. Heard	do		12 00
22	S. N. Hoyt	54 volumes Congressional Globe	27 00	
		8 volumes Congressional Record	4 00	
				31 00
29	J. B. Adams	1 hand-stamp	9 00	
		Books	3 30	
				12 30
31	B. F. Brown	Repairs, hand-stamps		10 50
31	J. B. Adams	1 year and 8 days' subscription, New York Tribune.		15 32
31	T. H. L. Hamersly	Books		17 00
31	Employés bindery	Pay-roll, October		617 83
Nov. 4	Robert Beall	1 Colton's General Atlas	20 00	
		Books	17 25	
				37 25

Expenditures from appropriation for contingent expenses, Treasury Department, &c.—Cont'd.

BINDING, NEWSPAPERS, &c.—Continued.

1878.				
Nov. 5	T. H. L. Hamersly	2 Colton's General Atlas	$40 00	
		Books	18 00	
		1 set Abbott's United States Digest.	154 00	
				$212 00
5	C. M. McLanahan	Books		12 00
11	Evening Star Newspaper Co	Advertising		6 25
12	John C. Copper & Co	Material for bindery		244 68
13	Saint Louis Journal of Commerce	6 months' subscription		1 50
13	New York Daily Bulletin	8 months' subscription		8 00
13	New York Tribune	..... do		6 66
14	Solomons & Chapman	Books		19 50
15	John C. Copper & Co	Material for bindery		10 00
18	New Orleans Price Current	8 months' subscription		6 90
19	B. F. Brown	6 hand-stamps	47 50	
		Repairing hand-stamps	9 00	
				56 50
20	Daily Critic	Advertising		3 48
21	J. W. Forney	7 months and 14 days' subscription, Philadelphia Progress.		3 73
21	San Francisco Journal of Commerce.	8 months' subscription		4 00
30	Employés bindery	Pay-roll		591 58
Dec. 7	T. L. Potter	Subscription Cincinnati Gazette, 3 months.		3 25
12	National Republican Printing Company.	Advertising		4 37
14	F. A. Fill & Co	1 copy St. Nicholas, 6 months		1 50
		1 copy Economist, 8 months		12 00
17	J. S. Homans	6 months' subscription, Banker's Magazine.		2 50
18	The Public	1 year's subscription		5 00
31	Employés bindery	Pay-roll		599 83
1879.				
Jan. 3	E. H. Merriam	2 hand-stamps		16 00
3	W. H. Boyd	30 directories		135 00
17	.....do	15 directories		67 50
17	Theodore Smith	8 hand-stamps		64 00
17	J. B. Adams	3 directories	17 00	
		4 General Atlas	72 00	
		Books	39 90	
				128 90
25	The American Architect	6 months' subscription		3 00
29	Benjamin F. Brown	4 dozen stamp ribbons	30 00	
		1 dozen stamp ink	3 60	
		Repairs, hand-stamps	66 00	
				99 60
31	Employés bindery	Pay-roll		616 76
Feb. 1	James Anglim	Book		3 00
4	Theodore Smith	2 hand-stamps		16 00
18	.....do	3 hand-stamps		24 00
21	James J. Chapman	Books		21 00
28	Employés bindery	Pay-roll		598 72
Mar. 8	Robert Beall	Books		42 50
8	Theodore Smith	4 hand-stamps		32 00
8	James J. Chapman	1 dozen almanacs		10 50
11	E. C. Fairchild	1 atlas		20 00
12	Bureau of Engraving and Printing.	3 seals		16 50
13	B. F. Brown	4 hand stamps	16 00	
		Repairs, hand-stamps	4 00	
				20 00
26	Evening Star Newspaper Co	3 months and 4 days' subscription, 3 copies.		5 00
31	Employés bindery	Pay-roll		680 26
Apr. 1	J. B. Adams	2 dictionaries	24 00	
		13 directories	59 50	
		2 atlases	50 00	
				133 50
1	J. B. Adams	Books		62 11
1	Albert L. Martin	.....do		10 00
2	Theodore Smith	5 hand-stamps		40 00
3	Benjamin F. Brown	6 hand-stamps		35 25
4	F. C. Schneider	Repairing canceling machine		10 00
15	James J. Chapman	1 Dictionary of Commerce	21 00	
		Popular Science Monthly, subscription 8 months.	3 50	
		Subscription, Scribner's Magazine	2 70	
				27 20
17	W. S. Caulfield	Binder, 15 days		37 09
18	The Nautical Gazette	2½ months' subscription		1 00
26	Theodore Smith	3 hand-stamps		24 00

Expenditures from appropriation for contingent expenses, Treasury Department, &c.—Cont'd.

BINDING, NEWSPAPERS, &c.—Continued.

1879.				
Apr. 30	Employés bindery	Pay-roll		$580 98
May 2	Benjamin F. Brown	37 stamp-ribbons	$19 25	
		Repairs, hand-stamps	12 00	
				31 25
5	Theodore Smith	2 hand-stamps		16 00
8	James J. Chapman	Books		2 50
9	A. H. Thompson	....do		6 00
12	William L. Finley	2 months' subscription, Cincinnati Gazette.		2 00
19	Theodore Smith	6 hand-stamps		48 00
19	J. M. Judd	Book		4 25
23	Washington World	1 month and 10 days' subscription, 2 copies.		75
31	Employés bindery	Pay-roll		615 29
June 2	Robert Leitch & Sons	6 canceling-punches	14 75	
		Repairs, punches	3 00	
				17 75
3	Little, Brown, & Co	Law books		420 00
14	Benjamin F. Brown	Repairs, hand-stamps		12 00
19	J. B. Adams	4 dictionaries	48 00	
		7 directories	38 00	
		2 atlases	40 00	
		Books	30 00	
				156 00
20	Theodore Smith	2 hand-stamps		16 00
26	James J. Chapman	Books		31 50
26	The Daily Critic	Advertising		12 36
28	J. B. Adams	6 directories	35 00	
		1 year's subscription, Railroad Guide, 4 copies.	16 00 7 00	
				58 00
28	F. A. Fill	2 Edinburgh Review		2 00
30	H. A. Lockwood	Books		1 00
30	Robert Beall	1 copy Black's General Atlas	25 00	
		Books	33 00	
				58 00
30	F. C. Snyder	Repairs, punches		7 00
30	B. F. Brown	4 hand-stamps	17 50	
		Repairs, hand-stamps	3 50	
				21 00
30	National Republican Printing Company.	Advertising		12 37
30	John C. Copper & Co	Material for bindery		405 57
30	J. B. Adams	3 dictionaries	36 00	
		20 directories	120 00	
		3 Colton's General Atlas	60 00	
		Books	58 50	
				274 50
30	Robert Beall	Books		337 80
30	J. B. Adams	1 stamp and pad		1 42
30	Employés bindery	Pay-roll		576 98
	Total			12, 000 00
	RECAPITULATION.			
	Amount appropriated		12, 000 00	
	Amount expended		12, 000 00	
	Balance			

INVESTIGATION OF ACCOUNTS AND TRAVELING EXPENSES.

1878.				
July 10	Webster Elmes	Traveling expenses		$27 57
30	J. W. Corey	Investigation of accounts		108 00
Aug. 14	Webster Elmes	Traveling expenses		36 62
24	N. A. Robbins	....do		94 65
31	J. Weed Corey	Investigation of accounts		108 00
Sept. 4	J. S. Patterson	....do		18 98
11	E. Griswold	Traveling expenses		8 10
30	J. Weed Corey	Investigation of accounts		100 00
30	C. M. Paxton	....do		76 00
Oct. 4	J. S. Patterson	....do		12 00
31	J. W. Corey	....do		108 00
31	C. M. Paxton	....do		108 00
Nov. 6	H. G. Dennison	Traveling expenses		88 25
15	J. Weed Corey	Investigation of accounts		25 25
30	C. M. Paxton	....do		104 00

Expenditures from appropriation for contingent expenses, Treasury Department, &c.—Cont'd.

INVESTIGATION OF ACCOUNTS AND TRAVELING EXPENSES—Continued.

1878.					
Dec. 9	J. D. Terrell	Traveling expenses			$190 55
11	K. Loew	Taking testimony			50 00
31	Charles M. Paxton	Investigation of accounts			104 00
1879.					
Jan. 9	Marsden C. Burch	Service as special attorney			161 00
16	A. N. Wight	Traveling expenses			147 25
Jan. 22	Webster Elmes	do			31 24
31	Charles M. Paxton	Investigation of accounts			108 00
Feb. 1	M. L. Noerr	Traveling expenses			26 55
10	do	do			38 15
17	John Fraser	do			2 25
May 14	Edward L. Hamlin	do			113 40
June 30	J. A. Thompson	do			136 85
30	Edward L. Hamlin	do			221 75
	Total				2, 354 41
	RECAPITULATION.				
	Amount appropriated		$2, 500 00		
	Amount repayment*		9 35		
	Total		2, 509 35		
	Amount expended		2, 354 41		
	Balance				154 94

FREIGHT, TELEGRAMS, &c.

1878.					
July 20	F. M. Clark	150 feet telegraph wire			$9 00
Aug. 2	Baltimore and Potomac Railroad Company.	Freight			1 62
20	Atlantic and Pacific Telegraph Company.	Telegrams			4 32
20	Adams Express Company	Freight			4 65
20	Baltimore and Potomac Railroad Company.	do			2 64
20	Western Union Telegraph Co.	Telegrams			171 55
26	John A. Bayly, agent	Freight			1 04
Sept. 10	Western Union Telegraph Co	Telegrams			339 63
10	Atlantic and Pacific Telegraph Company.	do			1 00
16	Baltimore and Potomac Railroad Company.	Freight			1 60
23	Adams Express Company	do			15 25
Oct. 10	George C. Maynard	Rent of telephones	$85 00		
		Battery and repairs bells	22 50		
					107 50
12	Washington and Georgetown Railroad Company.	Transportation			100 00
12	Baltimore and Potomac Railroad Company.	Freight			1 20
18	Adams Express Company	do			5 25
28	Western Union Telegraph Co.	Telegrams			173 05
28	Atlantic and Pacific Telegraph Company.	do			1 38
Nov. 4	George C. Maynard	Electric bells and batteries			53 25
21	Baltimore and Potomac Railroad Company.	Freight			17 28
Dec. 2	Adams Express Company	do			18 35
6	Baltimore and Ohio Express Co.	do			1 60
16	Atlantic and Pacific Telegraph Company.	Telegrams			1 47
16	Western Union Telegraph Co.	do			190 40
26	Baltimore and Potomac Railroad Company.	Freight			2 12
28	Washington and Georgetown Railroad Company.	Transportation			100 00
30	Baltimore and Ohio Express Co.	Expressage			1 15
1879.					
Jan. 2	Metropolitan Railroad Company.	Transportation			100 00
2	Baltimore and Ohio Express Co.	Expressage			25
2	Adams Express Company	do			13 55
10	Western Union Telegraph Co.	Telegrams			151 51
13	Baltimore and Ohio Express Co.	Expressage			55
27	George C. Maynard	Telegraph wire and repairs			35 25

*Being over-payment retured.

Expenditures from appropriation for contingent expenses, Treasury Department, &c.—Cont'd.

FREIGHT, TELEGRAMS, &c.—Continued.

1879.				
Feb. 4	Western Union Telegraph Co..	Telegrams		$161 58
4	Atlantic and Pacific Telegraph Company.	.....do		25
7	Adams Express Company.... ..	Expressage		14 70
12	Baltimore and Potomac Railroad Company.	Freight		18 72
21	Western Union Telegraph Co ..	Telegrams		186 98
21	Atlantic and Pacific Telegraph Company.	.....do		93
21	George C. Maynard.....	Repairs, bells		5 75
24	Washington and Georgetown Railroad Company.	Transportation		200 00
Mar. 20	Baltimore and Ohio Express Co.	Expressage		25
23	George C. Maynard.....	Rent of telephones		18 34
26	Western Union Telegraph Co...	Telegrams		108 92
Apr. 2	George C. Maynard.....	Rent of telephones		70 33
4	Adams Express Company.....	Expressage		34 35
22	Western Union Telegraph Co...	Telegrams		184 22
22	Atlantic and Pacific Telegraph Co	.....do		1 84
May 19	Metropolitan Railroad Company	Transportation		100 00
20	Washington and Georgetown Railroad Company.	.....do		200 00
27	Western Union Telegraph Co...	Telegrams		132 74
June 3	Baltimore and Potomac Railroad Company.	Freight		16 78
7	Adams Express Company.....	Expressage		9 10
14	Baltimore and Potomac Railroad Company.	Freight		1 60
20	Western Union Telegraph Co...	Telegrams		189 88
28	W. Barker.....	Freight		70
30	Western Union Telegraph Co...	Telegrams		176 63
30	Metropolitan Railroad Company.	Transportation		200 00
30	Atlantic and Pacific Telegraph Company.	Telegrams		2 64
30	Washington and Georgetown Railroad Company.	Transportation		200 00
30	George C. Maynard.....	Repairs, batteries		4 75
30	Adams Express Company.....	Expressage		34 23
30	George C. Maynard.....	Electric bells		96 38
	Total			4,000 00
	RECAPITULATION.			
	Amount appropriated.....		$4,000 00	
	Amount expended.....		4,000 00	
	Balance			

RENT.

1878.				
July 31	W. S. Thompson.....	Rent		$150 00
31	Harriet McKean.....	.....do		100 00
Aug. 31	.....do.....	.....do		100 00
Sept. 5	W. S. Thompson.....	.....do		150 00
30	James Towles.....	.....do		300 00
30	W. S. Thompson.....	.....do		150 00
30	Harriet McKean.....	.....do		100 00
Oct. 31	..... do.....	.....do		100 00
Nov. 4	W. S. Thompson.....	.....do		150 00
9	Polly Y. Brownell.....	.....do		900 00
31	Harriet McKean.....	.....do		100 00
31	W. S. Thompson.....	.....do		150 00
1879.				
Jan. 2	James Towles.....	.....do		300 00
2	Harriet McKean.....	.....do		100 00
3	W. S. Thompson.....	.....do		150 00
Feb. 1	Harriet McKean.....	.....do		100 00
6	W. S. Thompson.....	.....do		150 00
Mar. 3	Harriet McKean.....	.....do		100 00
8	W. S. Thompson.....	.....do		150 00
31	James Towles.....	.....do		300 00
Apr. 2	Harriet McKean.....	.....do		100 00
5	W. S. Thompson.....	.....do		150 00
10	Polly Y. Brownell.....	.....do		1,800 00
30	Harriet McKean.....	.....do		100 00
May 5	W. S. Thompson.....	.....do		150 00
31	Harriet McKean.....	.....do		100 00

Expenditures from appropriation for contingent expenses, Treasury Department, &c.—Cont'd.

RENT—Continued.

1879.				
June 3	W. S. Thompson	Rent		$150 00
30	James Towles	do		300 00
30	Polly Y. Brownell	do		900 00
30	W. S. Thompson	do		150 00
30	Harriet McKean	do		100 00
	Total			7,800 00
	RECAPITULATION.			
	Amount appropriated		$7,800 00	
	Amount expended		7,800 00	
	Balance			

HORSES, WAGONS, &c.

1878.				
July 6	John McDermott & Bros	2 wagons		$850 00
10	B. S. Furguson	1 horse		2 00
11	John McDermott & Bros	1 wagon	$250 00	
		Repairs, wagons	11 25	
		do	30 00	
				291 25
31	Henson Makal	Labor, care of horses and wagons		50 00
31	Timothy Costello	do		60 00
Aug. 1	J. Bushman, veterinary surgeon	Treatment of horses		35 00
2	John McDermott & Bros	Repairs, wagons		19 00
2	Murray & Barker	Shoeing horses		21 00
21	George T. McGlue	5 loads sand		3 25
21	J. E. Roach & Co	Repairing stable		121 32
22	B. S. Furguson	1 horse		165 00
31	Timothy Costello	Labor, care of horses and wagons		60 00
31	Henson Makal	do		50 00
31	J. Bushman, veterinary surgeon	Treatment of horses		12 50
Sept. 2	Murray & Barker	Shoeing horses		20 50
2	John McDermott & Bros	Repairs, wagon		19 00
4	O. H. P. Clark	Pasturage of horse		16 00
12	John McDermott & Bros	Repairs, wagon		143 25
14	Beavans & Shaw	18 bales hay		15 30
25	Thomas Norfleet & Co	Harness and repairs		77 25
30	Henson Makal	Labor, 12 days; care of horses and wagons.		24 00
30	Murray & Barker	Shoeing horses		16 75
30	Timothy Costello	Care of horses and wagons		60 00
Oct. 3	R. C. Hewitt	2,000 pounds hay	15 00	
		2,000 pounds rye straw	12 00	
		100 bushels oats	36 00	
		10 bushels corn	6 00	
				69 00
4	Wash. Nailor	Pasturage of horse		4 00
5	B. F. Carter	1 horse		150 00
28	W. S. Thompson	Horse medicine		4 15
31	Henson Makal	Care of horses and wagons		50 00
31	Timothy Costello	do		60 00
Nov. 2	Wash. Nailor	Board of 2 horses 1 month and 24 days.		90 00
4	R. C. Hewitt	100 bushels oats	36 00	
		10 bushels corn	6 00	
		2,000 pounds hay	15 00	
				57 00
4	Murray & Barker	Shoeing horses		16 25
4	John McDermott & Bros	Repairs, wagons		80 75
4	J. Bushman, veterinary surgeon	Treatment of horses		29 00
5	Murray & Barker	Shoeing horses		9 00
9	do	do		6 25
16	John McDermott & Bros	Repairs, wagons		54 80
16	Thomas Norfleet & Co	1 set harness	65 00	
		Repairs, harness, &c	79 50	
				144 50
23	Francis Regan	Treatment of horses		20 00
30	Henson Makal	Care of horses and wagons		50 00
30	Timothy Costello	do		60 00
Dec. 2	John McDermott & Bros	Repairs, wagons		45 25
2	R. C. Hewitt	2,500 pounds hay	18 75	
		125 bushels oats	45 00	
		20 bushels rye-chop	8 00	
				71 75

Expenditures from appropriation for contingent expenses, Treasury Department, &c.—Cont'd.

HORSES, WAGONS, &c.—Continued.

1878.				
Dec. 3	Wash. Nailor	Board of horse		$12 50
4	Thomas Kelly	Shoeing horse		18 75
10	Thomas Norfleet & Co	1 set harness	$60 00	
		Repairs, harness, &c	10 75	
				70 75
31	Timothy Costello	Care of horses and wagons		60 00
31	Henson Makal	do		50 00
31	Thomas Kelly	Shoeing horses		26 38
1879.				
Jan. 7	John McDermott & Bros	Repairs, wagons		17 00
31	Henson Makal	Care of horses and wagons		50 00
31	Timothy Costello	do		60 00
Feb. 1	Thomas Kelly	Shoeing horses		34 01
1	Beavans & Shaw	5,185 pounds hay	36 30	
		150 bushels oats	87 50	
		10 bushels corn	5 50	
				129 30
1	John McDermott & Bros	Repairs, wagons		57 50
1	Wash. Nailor	Hire of three wagons		12 00
6	Mrs. Z. D. Gilman	Horse medicine		7 50
28	Timothy Costello	Care of horses and wagons		60 00
28	Henson Makal	do		50 00
28	Thomas Kelly	Shoeing horses		16 75
28	John McDermott & Bros	Repairs, wagon		48 50
28	Murray & Barker	Shoeing horse		1 00
Mar. 8	Beavans & Shaw	2,431 pounds hay	17 02	
		2,061 pounds straw	14 42	
		100 bushels oats	35 00	
		15 bushels corn	7 50	
				73 94
10	J. Bushman, veterinary surgeon	Treatment of horses		13 00
12	Thomas Norfleet & Co	2 sets harness	150 00	
		6 pairs driving-gloves	13 25	
		Repairs, harness	33 75	
				197 00
17	Wash. Nailor	Hire of large wagons		50 00
18	Hooe, Bros. & Co	1 carriage robe		25 00
29	John McDermott & Bros	Repairs carriage and wagons		26 75
31	Thomas Kelly	Shoeing horses		18 25
31	Henson Makal	Care of horses and wagon		50 00
31	Timothy Costello	do		60 00
Apr. 1	R. C. Hewitt	2,500 pounds hay	18 75	
		100 bushels oats	36 00	
		15 bushels corn	8 25	
				63 00
8	J. Bushman, veterinary surgeon	Treatment of horses		11 00
30	Timothy Costello	Care of horses and wagons		60 00
May 1	John McDermott & Bros	Repairs, wagons		33 00
1	Thomas Kelly	Shoeing horses		19 50
3	Beavans & Shaw	2,966 pounds hay	22 02	
		100 bushels oats	36 00	
		10 bushels corn	5 50	
				63 52
5	Huguely & Brown	1 horse		225 00
8	J. Bushman, veterinary surgeon	Treatment of horses		7 50
31	Mary Costello, widow of Thomas Costello.	Care of horses and wagons, 25 days		49 45
June 3	Thomas Kelly	Shoeing horses		21 75
4	Robert Leitch & Sons	Repairing stable		15 30
14	J. Bushman, veterinary surgeon	Treatment of horse		7 00
14	Beavans & Shaw	2,665 pounds hay	21 32	
		2,075 pounds straw	15 56	
		100 bushels oats	40 00	
		10 bushels corn	5 50	
		4 bushels bran	72	
				83 10
19	Thomas Norfleet	1 set harness	65 00	
		Repairs harness, &c	59 50	
				124 50
19	John McDermott & Bros	Repairs, wagons		40 30
28	J. Bushman, veterinary surgeon	Treatment of horses		27 25
30	Thomas E. France	Pasturage of horse		16 00
30	Henson Makal	Care of horses and wagons		50 00
30	Charles Goodrich	do		50 00
30	Huguely & Brown	1 horse		250 00
30	Thomas Kelly	Shoeing horses		20 25
30	Murray & Barker	do		8 50

Expenditures from appropriation for contingent expenses, Treasury Department, &c.—Cont'd.

HORSES, WAGONS, &c.—Continued.

1879.				
June 30	Wash. Nailor	Hire of horse, 30 days		$30 00
30	Beavans & Shaw	60¾ bushels oats		26 13
	Total			6,000 00
	RECAPITULATION.			
	Amount appropriated		$6,000 00	
	Amount expended		6,000 00	
	Balance			

LABOR, ICE, &c.

1878.				
July 31	Alfred Taylor	Care of grounds, 25 days		$37 50
31	Henry Edmonson	Care of grounds, 1 month		40 00
31	C. W. Goodrich	do		40 00
31	John Houts	do		40 00
31	S. A. W. Simms	Care of grounds, 21 days		31 50
31	Moses Davis	Gardener, 1 month		100 00
31	Eugene O'Conner	Labor, carrying ice		60 00
Aug. 2	Great Falls Ice Company	Ice bill		259 73
8	J. B. Adams	22 file-holders		17 50
15	J. Karr	3 clocks	$53 00	
		1 plate glass for clock	2 50	
				55 50
27	Henry Hopkins	Care of grounds, 12 days		18 00
27	Benjamin Thompson	do		18 00
31	Moses Davis	Gardener		100 00
31	John Houts	Care of grounds, 1 month		40 00
31	Henry Edmonson	do		40 00
Sept. 6	Great Falls Ice Company	Ice bill, August		271 22
13	J. Bradley Adams	24 file-holders	18 00	
		100 file-boards	15 00	
				33 00
30	Moses Davis	Gardener		100 00
30	Eugene Conner	Carrying ice		55 00
30	John Houts	Care of grounds, 7 days		14 00
Oct. 3	Great Falls Ice Company	Ice bill, September		229 67
29	J. Bradley Adams	24 file-holders		18 00
31	Moses Davis	Gardener		100 00
31	Eugene Conner	Carrying ice		55 00
31	C. W. Goodrich	Care of grounds, 1 month		40 00
31	John Houts	do		40 00
Nov. 4	Great Falls Ice Company	Ice bill, October		220 05
6	J. Karr	4 clocks		63 50
30	Moses Davis	Gardener		100 00
30	Eugene Conner	Carrying ice		55 00
30	John Houts	Care of grounds, 1 month		40 00
Dec. 3	Great Falls Ice Company	Ice bill, November		168 79
31	Moses Davis	Gardener		100 00
31	Eugene Conner	Carrying ice		55 00
31	John Houts	Care of grounds, 1 month		40 00
1879.				
Jan. 2	Great Falls Ice Company	Ice bill, December		151 02
13	Michael Droney	Shoveling snow		10 00
16	J. Karr	4 clocks		53 00
17	J. Bradley Adams	36 file-holders		27 00
22	John Saul	Plants		20 00
31	Moses Davis	Gardener		100 00
31	Eugene Conner	Carrying ice		55 00
31	John Houts	Care of grounds, 1 month		40 00
Feb. 4	Henry Hopkins	Shoveling snow		11 00
4	Great Falls Ice Company	Ice bill, January		149 25
14	Paul Hiser	600 flower pots		8 40
18	Henry Hopkins	Shoveling snow		4 00
28	Moses Davis	Gardener		100 00
28	John Houts	Care of grounds, 1 month		40 00
28	Charles J. Malord	do		40 00
28	Eugene Conner	Carrying ice		55 00
Mar. 3	Henry Hopkins	Shoveling snow		10 00
4	Freat Falls Ice Company	Ice bill, February		137 01
17	L. S. Davis	Care of grounds, 2 days		4 00
19	Alfred Taylor	Care of grounds, 15 days		20 00
21	Andrew J. Stewart	8 cubic yards sod		12 00
31	Moses Davis	Gardener		100 00
31	John Houts	Care of grounds, 1 month		40 00

Expenditures from appropriation for contingent expenses, Treasury Department, &c.—Cont'd.

LABOR, ICE, &c.—Continued.

1879.				
Mar. 31	Harris Fillmore	Care of grounds, 1 month		$35 00
31	Eugene Conner	Carrying ice, 15 days		27 50
Apr. 2	Great Falls Ice Company	Ice bill, March		163 12
17	J. Bradley Adams	124 file-holders		146 00
30	Moses Davis	Gardener		100 00
30	Henry Edmonson	Care of grounds, 1 month		40 00
30	John Houts	do		40 00
30	John Mahony	do		40 00
May 2	Great Falls Ice Company	Ice bill, April		167 19
5	W. D. Wyvill	3 dozen ice-buckets		36 00
24	John Saul	Plants		72 00
26	David S. Saunders	do		45 00
30	Moses Davis	Gardener		100 00
30	John Houts	Care of grounds, 1 month		40 00
30	J. Winegardner	Care of grounds, 18 days		29 67
30	Charles Mitchell	Care of grounds, 1 month		40 00
30	Harris Fillmore	do		35 00
30	Lewis Aldridge	Care of grounds, 12 days		15 82
30	John Mahoney	Care of grounds, 11 days		14 51
June 3	Great Falls Ice Company	Ice bill, May		197 47
10	J. Karr	2 clocks	$32 00	
		Repairs	1 00	
				33 00
13	Robert Boyd	1 lawn mower	21 80	
		Sharpening mower knives	2 50	
		4 hot-bed sashes	9 25	
		Scythes, grass-hook, &c	5 65	
				39 20
16	Nero Crawford	Care of grounds, 3 days		6 00
19	J. Bradley Adams	52 file-holders		45 00
30	John A. Baker	Repairing lawn-mower	1 25	
		1 grass-sickle	75	
				2 00
30	Charles J. Malord	Care of grounds, 14 days		21 00
30	William Coates	Care of grounds, 1 month		40 00
30	Henry Edmonson	do		40 00
30	William J. Kline	Repairing clocks		55 00
30	John Houts	Care of grounds, 1 month		40 00
30	Charles Mitchell	do		40 00
30	Moses Davis	Gardener		100 00
30	Great Falls Ice Company	Ice bill, June		233 50
30	J. Bradley Adams	13 Woodruff's file-cases	260 00	
		812 file-holders	795 08	
		36 file-holders repaired	27 30	
				1,082 38
30	Robert Leitch & Sons	6 large pedastal vases for grounds		456 00
	Total			7,500 00

RECAPITULATION.

Amount appropriated	$7,500 00
Amount expended	7,500 00
Balance	

FUEL, &C.

1878.				
July 15	W. W. Given	$198\frac{1550}{2240}$ tons Cumberland coal		$582 16
22	Johnson Bros	$525\frac{1070}{2240}$ tons white ash coal		2,180 73
23	R. M. Miller	$25\frac{920}{2240}$ tons chestnut coal		103 67
31	Benjamin Thompson	Labor, fireman, 20 days		30 00
31	D. B. Mackall	Labor, fireman, 1 month		55 00
31	John Peterson	Labor, fireman, 24 days		36 00
Aug. 2	R. M. Miller & Son	$16\frac{3}{8}$ cords oak wood		63 37
2	Charles Kerper	Sawing and stowing $45\frac{3}{4}$ cords wood		68 62
9	Johnson Bros	$375\frac{660}{2240}$ tons white ash coal		1,557 47
9	Charles Kerper	Stowing $981\frac{1840}{2240}$ tons coal		127 62
10	Johnson Bros	$20\frac{350}{2240}$ tons Lyken's Valley coal		91 67
21	Richard Thomas	8 days' labor, stowing coal		12 00
31	C. W. Goodrich	Fireman, 1 month		41 50
31	Lewis King	do		40 00
31	Eugene Conner	do		55 00
Oct. 19	John McDermott & Bro	4 large iron coal wheelbarrows		160 00
28	W. D. Wyville	3 dozen coal hods	$21 60	
		Repairs, stoves	57 18	
				78 78

Expenditures from appropriation for contingent expenses, Treasury Department, &c.—Cont'd.

FUEL, &c.—Continued.

1878.					
Oct. 31	Gray & Noyes	3 grate castings			$23 16
31	Oliver White	Fireman, 26 days			52 00
31	Nero Crawford	do			52 00
31	C. N. Kerper	Fireman, 25 days			50 00
31	Benjamin Thompson	Fireman, 24 days			48 00
31	John Rush	Fireman, 25 days			50 00
Nov 6	James Small	Sealing coal scales			3 00
9	John A. Baker	1 6-ton coal scales			240 00
11	Holland & Thompson	36 oil cups	$41 56		
		50 pounds oline	20 00		
					61 56
16	H. H. Bradley	2 grates			43 50
30	Benjamin Thompson	Fireman, 1 month			60 00
30	Charles J. Malord	Fireman, 13 days			16 96
30	Henry Edmonson	Fireman, 1 month			40 00
30	E. W. Libby	Fireman, 24 days			39 13
Dec. 7	H. H. Bradley	1 grate	21 50		
		Labor, repairing grates	10 00		
					31 50
14	W. D. Wyvill	48 sets fire-irons and pokers, steel polished.	288 00		
		48 bronzed fire-irons stands	144 00		
		48 Japanned coal-hods	96 00		
		1 stove.	8 25		
		36 fire-shovels	4 50		
		36 small pokers	4 50		
		2 Russia iron blowers and 1 grate.	4 75		
					550 00
28	H. H. Bradley	1 grate			30 00
31	E. W. Libby	Fireman, 16 days			26 09
31	Charles J. Malord	Fireman, 30 days			39 13
31	Benjamin Thompson	Fireman, 1 month			60 00
1879.					
Jan. 31	Adison Ferguson	do			50 00
31	James E. Johnson	Stowing coal			21 00
31	Benjamin Thompson	Fireman, 1 month			60 00
Feb. 1	James Simms	Stowing coal			40 00
11	W. D. Wyvill	1 stove	40 00		
		Repairing range	20 50		
		Pipe, elbows, and repairs	28 36		
					88 86
17	James E. Johnson	Stowing coal, 17 days			19 50
17	Charles Goodrich	Fireman, 1 month			40 00
17	Alfred Taylor	do			60 00
17	Benjamin Thompson	do			40 00
Mar. 21	George Creveling	$5\frac{7}{8}$ cords pine wood	22 91		
		Sawing same	9 40		
					32 31
31	W. J. Kline	Wheeling coal, 1 month			50 00
31	E. W. Libby	Wheeling coal, 14 days			23 33
31	Benjamin Thompson	Fireman, 1 month			60 00
31	W. D. Wyvill	2 stoves			22 00
31	Charles Goodrich	Fireman, 1 month			40 00
Apr. 30	Henson Makal	do			50 00
30	Charles Goodrich	do			50 00
30	S. D. Skeen	Hauling coal, 26 days			65 00
30	W. J. Kline	Wheeling coal, 1 month			50 00
May 14	W. E. Williamson	do			50 00
14	W. J. Kline	Fireman, 1 month			55 00
14	Charles Goodrich	do			50 00
14	Henson Makal	do			50 00
14	Benjamin Thompson	do			50 00
14	S. D. Skeen	Hauling ashes, 27 days			67 50
June 10	Mayfield & Huston	$249\frac{1760}{2240}$ tons Cumberland coal			741 86
		$22\frac{180}{2240}$ tons coal screenings			22 08
		Stowing $271\frac{1840}{2240}$ tons coal			64 66
30	Henry Martin	Wheeling coal, 1 month			40 00
30	Harris Fillmore	Wheeling coal, 15 days			22 50
30	E. W. Libby	Fireman, 1 month			60 00
30	Benjamin Thompson	do			60 00
30	W. D. Wyvill	6 match safes			4 78
	Total				9,000 00
	RECAPITULATION.				
	Amount appropriated			9,000 00	
	Amount expended			9,000 00	
	Balance				

Expenditures from appropriation for contingent expenses, Treasury Department, &c.—Cont'd.

GAS, &c.

1878.					
Aug. 1	W. D. Doremus	Labor, gas-fitter			$60 00
6	Washington Gas Light Co	Gas bill, July			679 50
13	H. W. Hamilton	13 Girard lamps			715 00
27	Gray & Noyes	Eight brackets			8 00
31	W. D. Doremus	Gas-fitter			60 00
Sept. 4	Washington Gas Light Co	Gas bill, August			730 35
13	H. H. Bradley	Fitting and putting up 18 outside lamps.	$140 00		
		One portable	29 63		
		Three pendants	6 00		
		Burners, &c	1 25		
					176 88
28	H. H. Bradley	216 lights of glass for lamps			172 80
30	W. D. Doremus	Gas-fitter			60 00
Oct. 2	Washington Gas Light Co	Gas bill, September			866 48
19	H. H. Bradley	Three six-pound chandeliers			183 60
28	W. D. Wyvill	Gas pipe and repairs			12 10
31	W. D. Doremus	Gas-fitter			60 00
Nov. 4	Washington Gas Light Co	Gas bill, October			1,058 40
6	H. H. Bradley	Five six-pound chandeliers	420 80		
		Globes and pillar corks	6 50		
					427 30
16	H. H. Bradley	One six-pound chandelier	100 00		
		Two drop-lights	30 00		
		Seven fine globes and holders	10 00		
					140 00
19	Gray & Noyes	Sixteen castings for lamps			8 00
30	W. D. Doremus	Gas-fitter			60 00
Dec. 5	Washington Gas Light Co	Gas bill, November			1,367 10
5	R. H. Andrews	Four chandeliers			75 00
7	H. H. Bradley	One chandelier, six light	107 60		
		164 feet gas tubing	57 40		
		Three two light chandeliers	30 00		
		Globes, holders, burners, &c	60 93		
					255 93
28	H. H. Bradley	Sixteen drop-lights	86 00		
		Pendants, brackets, and shades	18 25		
					104 25
Dec. 31	A. Ferguson	Labor, cleaning chandeliers			50 00
Jan. 2	Washington Gas Light Co	Gas bill, December			1,325 25
17	J. W. Boteler & Brother	Lamp wicks, &c			4 35
31	W. D. Doremus	Gas-fitter			60 00
Feb. 6	J. A. Berger	Repairing gas fixtures			46 00
8	H. H. Bradley	24 drop-lights, complete	184 00		
		Eleven dozen globes	83 50		
		One dozen shades	6 15		
		Burners, holders, &c	23 00		
					296 65
12	Washington Gas Light Co	Gas bill, January			1,502 80
15	M. S. Heard	One dozen gas-burners			4 50
21	L. H. Schneider	One lamp			2 25
28	W. D. Doremus	Gas-fitter			60 00
28	Adison Ferguson	Repairing chandeliers			50 00
28	H. H. Bradley	Brackets, shades, &c			58 25
Mar. 5	Washington Gas Light Co	Gas bill, February			1,510 44
13	J. W. Boteler	Six lamps			12 00
31	W. D. Doremus	Gas-fitter			60 00
Apr. 2	Washington Gas Light Co	Gas bill, March			1,397 48
3	H. H. Bradley	88 feet tubing			29 34
3	W. D. Doremus	Gas-fitter			60 00
May 2	Washington Gas Light Co	Gas bill, April			1,248 75
5	H. H. Bradley	One four-light chandelier			15 96
10	J. W. Boteler	Ten dozen globes	40 00		
		Three dozen globe-holders	1 50		
					41 50
31	W. D. Doremus	Gas-fitter			60 00
June 4	Washington Gas Light Co	Gas bill, May			1,208 25
14	H. H. Bradley	Forty eight lights glass for lamps	38 40		
		One two-light bracket	17 00		
		One shade-holder	14		
					55 54
30	W. D. Doremus	Gas-fitter			60 00
30	Washington Gas Light Co	Gas bill			856 35
					17,356 35

Expenditures from appropriation for contingent expenses, Treasury Department, &c.—Cont'd.

GAS, &c.—Continued.

	RECAPITULATION.			
	Amount appropriated		$16,500 00	
	Amount of repayments*		856 35	
	Total			17,356 35
	Amount expended			17,356 35
	Balance			

*For amount expended in preparing and issuing bonds, chargeable to appropriation: Refunding the national debt, 4 per cent.

CARPETS, REPAIRS, &c.

1878.				
July 31	H. Blau	Laying and sewing carpets		$104 90
Aug. 5	Ross Hamilton	Cleaning and laying carpets		60 00
10	Charles W. Hayes	258½ yards Napier matting, and laying same	$240 41	
		Laying carpet and oil cloth	24 60	
				265 01
16	W. B. Moses	271⅞ yards body Brussels carpet	391 40	
		204 yards carpet lining	16 39	
		111 yards linoleum	155 40	
		Sewing and laying carpet	20 50	
				583 69
27	John B. Gould	280 yards cocoa matting		224 00
29	W. B. Moses	93 yards body Brussels carpet	134 04	
		68 yards carpet lining	5 44	
		Sewing and laying carpet	6 98	
				146 46
30	H. Blau	Repairing and laying carpet		114 15
30	Charles Haynes	Cleaning and laying carpet		40 00
30	Alfred Taylor	....do		40 00
30	S. A. W. Simms	....do		34 04
Sept. 9	J. W. McNight	18 cocoa mats		23 85
14	J. G. Weaver	Repairing and laying carpets		37 30
26	Hooe, Brothers & Co	111 yards Wilton carpet	360 75	
		73¾ yards Wilton border	159 79	
		16 miters	8 00	
		Laying carpet	27 69	
		100 yards carpet lining	10 00	
		5 extra size Wilton rugs	87 00	
		279 yards white China matting	140 00	
				793 23
30	Henry Edmonson	Cleaning carpets		14 00
30	S. A. W. Simms	Cleaning and laying carpets		10 00
30	Alfred Taylor	....do		40 00
30	C. H. Haynes	....do		40 00
30	H. Blau	Laying and repairing carpets		60 90
Oct. 23	McGee & Willard	Cleaning carpets		61 24
28	W. B. Moses	400 yards carpet lining	32 00	
		84½ yards linoleum	118 30	
				150 30
31	S. A. W. Simms	Laying carpets		30 00
31	Henry Edmonson	....do		40 00
31	Alfred Taylor	....do		40 00
Nov. 1	Charles W. Hayes	Lining and laying carpets		93 30
9	J. G. Weaver	Repairing and laying carpets		65 82
25	Rhoden Mitchell	Laying carpets		7 50
30	C. N. Goodrich	Cleaning and laying carpets		40 00
30	Alfred Taylor	....do		40 00
30	A. Ferguson	....do		39 13
Dec. 2	James Simms	....do		40 00
3	C. W. Hayes	Lining and laying carpets		41 08
5	H. Blau	Laying carpets		8 27
6	McGee & Willard	Cleaning carpets		20 04
18	J. E. Willard	....do		5 40
28	H. Blau	Laying carpets		28 17
28	Hooe Brothers & Co	419½ yards Wilton carpet	1,363 37	
		350 yards carpet lining	35 00	
		63 yards Wilton border	94 50	
		10 mitres	5 00	
		84 Wilton rugs	156 00	
		Laying carpet	73 86	
				1,727 73
31	Charles W. Hayes	60 yards matting and laying same		55 20
31	Charles Goodrich	Cleaning and laying carpets		40 00

Expenditures from appropriation for contingent expenses, Treasury Department, &c.—Cont'd.

CARPETS, REPAIRS, &c.—Continued.

1878.				
Dec. 31	James Simms	Cleaning and laying carpets		$40 00
31	Henry Edmonson	do		18 26
31	Alfred Taylor	do		40 00
1879.				
Jan. 2	Lorenzo Rice	Cleaning carpets		327 12
7	J. E. Willard	do		6 36
9	Charles W. Hayes	Lining and laying carpets		116 62
11	W. B. Moses	5 large velvet rugs	$61 00	
		63⅓ yards linoleum	158 33	
				219 33
		48 body Brussels mats	96 00	
		21 extra large body Brussels rugs	273 00	
		24 velvet mats	60 00	
		72 wool-bordered cocoa mats	288 00	
		12 large Brussels rugs	96 00	
		Laying linoleum	2 67	
				815 67
15	Henry Edmonson	Cleaning carpets		13 33
15	Charles Malord	Cleaning and laying carpets		40 00
15	Alfred Taylor	do		40 00
15	Charles Goodrich	do		40 00
15	H. Blau	Laying carpets		37 34
Feb. 11	Charles W. Hayes	Sewing and laying carpets		90 05
28	James Simms	Cleaning carpets		40 00
28	H. Blau	Laying carpets		9 02
Mar. 3	Charles W. Hayes	Sewing and laying carpets		36 68
5	W. P. Titcomb	1 large rug		19 00
11	W. B. Moses	246 yards Napier matting		221 40
13	J. G. Weaver	Repairing and laying carpets		16 75
18	Hooe Brothers & Co	147½ yards Wilton carpet	479 37	
		Sewing and laying same	22 13	
		9 square yards oil-cloth	13 50	
		20 extra Adminster rugs	314 00	
				829 00
29	Charles W. Hayes	Sewing and laying carpets		7 23
31	H. Blau	Repairing and laying carpets		12 39
31	John Mahoney	Laying carpets		12 40
31	Henry Edmonson	Cleaning carpets		28 00
Apr. 11	Lorenzo Rice	do		80 24
30	H. Blau	Laying matting		18 81
30	Charles W. Hayes	Laying carpets		18 86
30	Harris Fillmore	Cleaning and laying carpets		35 00
May 2	John H. Pray & Sons	3,295¼ yards body Brussels carpets	3,954 30	
		Freight on same	22 75	
				3,977 05
9	Charles W. Hayes	455 yards carpet lining		36 40
29	H. Blau	Repairing carpets		4 00
31	William C. Coates	Cleaning carpets		13 19
31	Henry Edmonson	do		40 00
June 16	W. B. Moses	320 yards extra white matting	160 00	
		132 yards linoleum	165 00	
		Laying same	12 15	
				337 15
26	Charles W. Hayes	Sewing and laying carpets		1 62
28	H. Blau	do		41 61
30	Lewis Aldridge	Cleaning carpets		40 00
30	W. B. Moses	46 yards linoleum		62 10
30	A. H. Chace & Co	Cleaning carpets		13 31
	Total			13,000 00

RECAPITULATION.

Amount appropriated	13,000 00	
Amount expended	13,000 00	
Balance		

FURNITURE, &c.

1878.				
July 10	L. E. Gannon	11 office chairs		$69 00
13	Charles W. Hayes	73⅞ yards blue cloth		350 92
23	Rose Sweeney	Sewing 17 cushions		8 50
23	J. E. Roach & Co	2,981 feet lumber		158 78
19	Mrs. Z. D. Gilman	75 pounds gum shellac	$30 00	
		75 pounds Irish glue	19 50	
				49 50
30	Charles W. Hayes	107⅞ yards French merino		134 85
31	Employés cabinet shop	Pay-roll, July		1,196 57

Expenditures from appropriation for contingent expenses, Treasury Department, &c.—Cont'd.

FURNITURE, &c.—Continued.

1878.				
Aug. 6	Virginia Lammond	Caning and covering chairs		$49 60
6	L. E. Gannon	1 office chair		11 50
21	J. E. Roach & Co	4,145 feet lumber		248 70
24	Robert Leitch & Sons	Lining 3 boxes with zinc		15 00
27	L. R. Trembly	175 feet walnut molding		78 75
29	W. B. Moses	93 large office-chairs	$791 00	
		2 revolving bookcases	40 00	
		1 marble-top washstand	12 00	
		1 mantel mirror	150 00	
		8 leather hides	127 50	
		Material for cabinet shop	82 10	
				1,202 60
31	Ross Hamilton	Labor, 30 days, cabinet shop		60 00
31	Employés cabinet shop	Pay-roll, August		1,193 01
Sept. 4	Virginia Lammond	Caning and covering chairs		53 15
6	J. E. Roach & Co	12,881 feet lumber		2,697 49
9	L. F. Clark & Sons	4 large map-rollers		23 50
13	Robert Leitch & Sons	Hinges, screws, and castors		170 97
20	J. E. Roach & Co	8,001 feet lumber		360 25
24	Ross Hamilton	Labor, 23 days, cabinet shop		46 00
26	Hooe Bros. & Co	5 yards green plush		32 50
30	Robert Boyd	152 locks	80 80	
		72 hand-screws	60 00	
		8 gross brass ring handles	24 00	
		72 brass nut-bolts	17 20	
		Castors, hooks, &c	32 90	
				214 90
30	Employés cabinet shop	Pay-roll, September		1,091 28
Oct. 10	Mrs. Z. D. Gilman	75 pounds Irish glue	19 50	
		50 orange shellac	20 00	
				39 50
12	Charles W. Hayes	71⅛ yards blue cloth		337 85
18	J. E. Roach & Co	8,151 feet lumber		598 24
28	W. B. Moses	3 leather sofas	210 00	
		4 mirrors	252 50	
		17 leather-covered chairs	189 00	
		15 pivot-stools	42 00	
		23 yards blue cloth	103 50	
		2 bookcases	40 00	
		38½ yards rep	77 00	
		1 marble-top washstand	25 00	
		84 yards enameled cloth	58 80	
		2 marble-top tables	12 00	
		1 marble shelf and bracket	27 50	
		Material for cabinet shop	194 71	
				1,232 01
29	Robert Leitch & Sons	150 gross screws	58 70	
		72 dozen brass butts	142 50	
		21 dozen locks	315 00	
		8 dozen locks	3 20	
		6 dozen coat and hat hooks	3 00	
				522 40
31	Employés cabinet shop	Pay-roll, October		1,105 07
Nov. 2	L. E. Gannon	3 office-chairs		24 50
5	Virginia Lammond	Caning and covering chairs		6 15
9	Robert Boyd	Screws, locks, &c		25 82
11	J. E. Roach & Co	4,032 feet lumber		191 54
19	L. R. Trembly	96 feet molding		15 36
21	Gardner & Co	48 office-chairs		336 00
25	H. O. Towles	1 office-desk		23 00
30	Employés cabinet shop	Pay-roll, November		988 45
Dec. 5	Thomas W. Smith	4,500 feet lumber		225 00
12	J. E. Roach & Co	3,983 feet lumber		254 08
14	Robert Boyd	2 locks		5 25
14	Gardner & Co	30 dozen chair seats	120 48	
		1 settee	31 20	
				151 68
24	Rose Sweeney	Sewing 13 cushions		6 50
27	Hubert Schutter	Repairing and furnishing desks		48 00
28	Mrs. Z. D. Gilman	75 pounds Irish glue	19 50	
		50 pounds orange shellac	20 00	
		20 pounds putty	1 00	
				40 50
31	Employés cabinet shop	Pay-roll, December		891 01
1879.				
Jan. 7	F. W. Kosack	Labor, 23 days, cabinet maker		69 00
11	W. B. Moses	16 office-chairs	168 00	
		254 feet leather	76 20	
		2 washstands	30 00	
		2 bookcases	40 00	
		Material for cabinet shop	29 00	
				343 20

Expenditures from appropriation for contingent expenses, Treasury Department, &c.—Cont'd.

FURNITURE, &c.—Continued.

1879.				
Jan. 25	Robert Leitch & Sons	Handles, hinges, screws, &c., for 20 library cases.		$256 50
27	Robert Boyd	24 sets castors	$22 08	
		7 locks	4 15	
				26 23
31	L. H. Schneider	Hardware		13 91
31	Employés cabinet shop	Pay-roll, January		1,099 59
Feb. 1	Virginia Lammond	Caning and covering chairs		15 75
6	Mrs. Z. D. Gilman	1 barrel linseed oil	32 98	
		20 pounds white shellac	12 00	
		Glass, varnish, &c	17 78	
				62 76
7	Robert Leitch & Sons	17 brass rails for desks		85 00
8	J. E. Roach & Co	3,053 feet lumber		162 68
11	Robert Boyd	Locks, &c		14 25
12	Gardner & Co	48 office-chairs		336 00
17	Oscar M. Huguely	2½ days labor, cabinet makers		7 50
Feb. 21	Robert Leitch & Sons	Hinges, handles, hasps, &c., for 50 library cases.	640 50	
		40 1/12 gross screws	72 38	
				712 88
27	B. W. Reed's Sons	1 barrel turpentine		21 00
28	C. P. Orton	Labor, 12 days, cabinet shop		36 00
28	Employés cabinet shop	Pay-roll, February		943 22
Mar. 6	Mrs. Z. D. Gilman	75 pounds Irish glue	18 75	
		50 pounds orange shellac	20 00	
		Varnish	2 35	
				41 10
11	A. H. Andrews & Co	1 office-chair		11 00
11	W. B. Moses	18 screw-stools	112 50	
		8 leather office-chairs	72 00	
		1 revolving bookcase	18 00	
		Material for cabinet shop	63 01	
				265 51
18	Hooe Bros. & Co	Material for cabinet shop		81 94
20	John W. Connell	12 days' labor, cabinet shop		36 00
26	J. E. Roach & Co	4,537 feet lumber		238 47
26	Employés cabinet shop	Pay-roll, March		826 13
Apr. 5	Virginia Lammond	Caning and covering chairs		4 60
5	Robert Boyd	74 locks	63 50	
		48 sets castors	39 48	
		Screws, knobs, &c	52 80	
				155 78
18	C. P. Orton	Lettering 50 library cases		25 00
22	L. E. Gannon	Material for cabinet shop		14 76
30	Employés cabinet shop	Pay-roll, April		880 21
May 8	W. B. Moses	6 revolving bookcases	118 00	
		36 pivot-stools	180 00	
		9 leather-seat chairs	81 00	
		2 marble-top washstands	32 00	
		24 boxes brass nails	60 00	
				471 00
9	L. R. Trembly	87½ feet molding		10 50
12	H. N. Barlow	1 picture frame		40 00
14	J. E. Roach & Co	5,005 feet lumber		270 15
27	Robert Leitch & Sons	1 desk rail and lock		20 45
31	Employés cabinet shop	Pay-roll, May		1,024 45
June 2	Robert Leitch & Sons	Wire railing for counter		135 00
5	Gardner & Co	50 office-chairs		350 00
7	J. E. Roach & Co	4,304 feet lumber		220 93
7	Mrs. Z. D. Gilman	75 pounds Irish glue	18 75	
		50 pounds shellac	17 50	
		1 light glass	50	
				36 75
13	Robert Boyd	Tools		41 70
16	W. B. Moses	12 Congressional chairs	132 00	
		1 revolving bookcase	20 00	
		Material for cabinet shop	249 50	
				401 50
16	Gardner & Co	252 chair seats		73 86
17	Robert Leitch & Sons	72 sets brass castors	28 80	
		24 saw blades	9 00	
		96 chair rods	9 60	
				47 40
26	Robert Leitch & Sons	Lining 10 large money-boxes, metallic zinc.	80 00	
		Hinges, hasps, and straps for same	85 70	
				165 70
30	W. B. Moses	2 revolving bookcases	40 00	
		1 sofa	35 00	
		12 large office-chairs	133 50	
				208 50

Expenditures from appropriation for contingent expenses, Treasury Department, &c.—Cont'd.

FURNITURE &c.—Continued.

1879.				
June 30	L. R. Trembly	72 feet molding		$11 88
30	Robert Boyd	4 dozen cupboard locks	$69 00	
		4 dozen neck-bolts	9 00	
				78 00
30	W. B. Moses	1 mirror-front wardrobe	50 00	
		Material for cabinet shop	569 45	
				619 45
30	Robert Boyd	11 gross screw-eyes	9 65	
		Bolts, locks, &c	7 16	
				16 81
30	J. E. Roach & Co	18,000 feet lumber		920 00
30	Employés cabinet shop	Pay-roll, June		906 00
	Total			29,441 23
	RECAPITULATION.			
	Amount appropriated		25,000 00	
	Amount repayments*		4,441 23	
	Total			29,441 23
	Amount expended			29,441 23
	Balance			

*For work done and payable from other appropriations.

MISCELLANEOUS ITEMS.

1878.				
July 12	Charles W. Hayes	50 dozen towels		$250 00
15	Isaac Alexander	1 thermometer		12 00
29	Charles W. Hayes	4,000 paper bags		12 00
29	Mrs. Z. D. Gilman	174 pounds sponge	$335 82	
		100 pounds camphor	31 00	
		1 dozen paint brushes	10 00	
		Varnish, &c	9 75	
				386 57
30	Mrs. Julia S. Lee	Hemming and sewing tape on 50 dozen towels.		62 50
31	Charles W. Hayes	8 large sky-light awnings		64 00
31	S. D. Skeen	26 days' hauling, horse and cart		65 00
31	Employés laundry	Pay-roll, July		318 52
Aug. 3	B. W. Reed's Sons	10 dozen No. 14 feather dusters	320 00	
		2 dozen cornice dusters	92 00	
		50 dozen corn brooms	100 00	
		21½ dozen W. C. S. soap	6 45	
		1 gross toilet soap	21 00	
		Scrubbing-brushes, blacking, &c	17 00	
				556 45
3	John McDermott & Bro	12 iron hooks and eyes		6 00
3	Robert Leitch & Sons	8 large awnings and frames for roof.	115 25	
		30 feet belting	13 30	
		Wire doors and fixtures	36 34	
		Stencil plates	39 70	
				204 59
6	Robert Leitch & Sons	Repairing iron railing		18 60
6	Charles W. Hayes	30 feet iron belting		54 60
10	....do	500 pasteboard boxes		75 00
14	W. L. Nicholson	Backing maps		4 50
16	John Keyworth	1 barrel alcohol		103 50
24	Robert Leitch & Sons	Repairing speaking-tube		2 25
		1 large water-tank and repairs		75 50
26	Mrs. W. H. Godey	1 barrel lime		1 25
27	James Hughes	Repairing water-closets		35 00
27	John B. Gould	150 window-shades and fixtures	414 00	
		4 walnut and gilt cornices	40 00	
				454 00
27	American Sanitary Association	1 barrel disinfectant		28 16
29	John McDermott & Bros	1 truck		43 00
30	B. W. Reed's Sons	41¾ dozen tumblers	73 06	
		1 barrel flour	8 00	
				81 06
31	S. D. Skeen	27 days' hauling		67 50
31	Employés laundry	Pay-roll, August		283 89
Sept. 9	J. W. McKnight & Co	2 dozen water-coolers	192 00	
		2 dozen water-cooler stands	45 00	
				237 00

Expenditures from appropriation for contingent expenses, Treasury Department, &c.—Cont'd.

MISCELLANEOUS ITEMS—Continued.

1878.				
Sept. 13	Robert Leitch & Sons	6,000 brass-head nails		$8 10
14	F. P. May & Co	27 kegs nails	$79 00	
		6 dozen handles	2 52	
				81 52
16	Thompson & Beveridge	150 gross matches	378 75	
		1 gross mouse-traps	21 73	
		100 dozen scrubbing-brushes	95 00	
		50 pounds soda	75	
				496 23
17	W. D. Wyvill	Dippers, cans, &c		19 35
17	Charles W. Hayes	205 dozen towels		871 25
20	B. W. Reed's Sons	6 dozen block scrubs	36 00	
		¼ gross toilet soap	12 00	
		5 sacks flour	10 00	
				58 00
24	John W. Drew	25 pounds acid		3 00
24	Charles W. Hayes	1,000 pasteboard boxes		150 00
25	Robert Leitch & Sons	6 dozen toilet brushes and combs	41 28	
		1,000 yards crash	65 00	
		3 dozen hatchets	16 20	
		50 pounds camphor	13 00	
		225 yards muslin	47 22	
		6 boxes concentrated lye	18 00	
		Miscellaneous articles	19 92	
				220 62
25	Thomas Norfleet & Co	2 mail-bags	25 00	
		Repairs mail-bags	11 25	
				36 25
20	Hooe Bros. & Co	652 palm-leaf fans	35 81	
		376 linen balings	60 16	
		Cotton crash, &c	32 10	
				182 07
20	Robert Leitch & Sons	1 wire window-guard and repairs		33 68
30	S. D. Skeen	25 days' hauling		62 50
30	Mary Bushee	Hemming and sewing tape on 50 dozen towels.		62 50
30	B. W. Reed's Sons	20 gross glycerine soap	306 00	
		2 boxes Irish soap	10 80	
		16 dozen dust-brushes	64 00	
		12 dozen metallic cuspidores	129 60	
				510 40
30	Robert Boyd	8 reams sand-paper	39 20	
		Files, wire, beeswax, &c	57 35	
				96 55
30	Bureau Engraving and Printing	1 dozen canceling leads	4 75	
		Repairing machines	13 10	
		Trimming seal	1 50	
		2 punches and altering treadle	39 57	
				58 92
30	Employés laundry	Pay-roll, September		269 92
Oct. 2	Mary L. Wilson	Hemming and sewing tape on 50 dozen towels.		62 50
3	Smith & Follett	31 assorted varnish brushes		67 54
4	J. W. Boteler & Bro	3 plated pitchers and waiters	93 50	
		2 toilet sets and jars	38 00	
		Glasses, &c	7 30	
				138 80
4	Francis Miller	1 barrel turpentine		16 32
4	Mrs. M. L. Bliss	Hemming and sewing tape on 55 dozen towels.		68 75
5	John W. Drew	30 gross toilet soap		433 50
10	Mrs. Z. D. Gilman	13 gross toilet soap	471 00	
		Acid, white lead, &c	8 75	
				479 75
12	Charles W. Hayes	9 pairs curtains and fixtures	43 50	
		300 pasteboard boxes	45 00	
				88 50
		250 Monitor binders		300 00
14	L. H. Schneider	Keys, key blanks, &c		47 28
19	John H. Small	500 hyacinth bulbs		45 00
26	B. W. Reed's Sons	3,804 pounds soap	215 76	
		12 dozen rat-traps	72 00	
		6 dozen turkey dusters	18 00	
		3 dozen extra baskets	66 00	
		5 extra slop-pails	112 00	
				483 76
28	W. D. Wyvill	Tin boxes and repairs		14 12
28	W. S. Thompson	Acid		2 95
8	W. B. Moses	20 pairs blankets	50 00	
		40 mattresses	80 00	
				130 00

Expenditures from appropriation for contingent expenses, Treasury Department, &c.—Cont'd.

MISCELLANEOUS ITEMS—Continued.

1878.				
Oct. 29	Robert Leitch & Sons	20½ feet belting		$8 00
31	Mrs. Z. D. Gilman	12 dozen varnish brushes	$60 00	
		10 pounds borax	1 60	
				61 60
31	S. D. Skeen	27 days' hauling		67 50
31	Employés laundry	Pay-roll, October		274 02
Nov. 5	H. H. Hempler	2 thermometers		25 00
6	H. H. Bradley	1 force cup		50
9	John A. Baker	One 1,600-pound scales		65 00
9	George Ryneal, jr.	Glass, paint brushes, &c		33 38
9	Robert Boyd	Tools, &c		11 50
9	J. W. McKnight	4 dozen ewers and basins		60 00
11	Mary L. Wilson	Hemming and sewing tape on 50 dozen towels.		62 50
12	Stott & Cromwell	50 pounds camphor		13 00
13	Robert Leitch & Sons	Repairs, machinery		68 75
15	George C. Henning	2 coats for drivers	45 00	
		1 pair gloves	3 00	
				48 00
16	Robinson, Lord & Co	25 dozen No. 14 feather dusters	600 00	
		5 dozen No. 5 cornice dusters	162 50	
		2 dozen Wilson hampers	46 00	
		1 gross spittoons	30 00	
		1 gross dust-pans	11 50	
		3 dozen oil-cans	8 92	
				858 92
18	Mrs. Z. D. Gilman	12 chamois skins	99 00	
		1 barrel sperm oil	65 00	
		1 gross nail brushes	36 00	
		1 gallon neat's-foot oil	1 20	
				201 20
18	B. W. Reed's Sons	9 dozen extra buckets	150 00	
		3 dozen heavy oval buckets	40 00	
		3 dozen ax-handles	36 75	
		20 dozen blacking brushes	48 00	
		6 dozen stencil ink	31 50	
				306 25
18	W. E. Williamson	Labor taking down awnings		50 40
18	Bureau Engraving and Printing	Repairing canceling-machine s	81 97	
		Trimming seal	3 85	
		One seal, and repairing seal	9 44	
		Grinding knives	1 15	
				96 41
25	Paul Hiser	600 flower pots		30 50
25	H. O. Towles	3 dozen mirrors		198 00
25	James L. Savage	10 dozen hair-sweeps	142 50	
		25 dozen B. B. buckets	98 75	
		25 dozen whisk brooms	32 50	
		2 gross hearth and paste brushes	37 00	
		12 dozen files and oilers	11 70	
				322 45
25	Mary L. Wilson	Making 2,000 coin-bags		30 00
27	Charles W. Hayes	500 pasteboard boxes		75 00
30	S. D. Skeen	26 days' hauling		65 00
30	Employés laundry	Pay-roll, November		269 60
Dec. 2	Edward Cohen	Cleaning overcoat of driver		4 50
3	D. K. Miller Lock Company	3 dozen pad-locks		31 50
3	Robert Leitch & Sons	Repairing machinery cabinet shop		623 75
7	Mrs. Z. D. Gilman	8 dozen sash tools		19 20
10	John McDermott	One truck		48 00
10	Thomas Norfleet & Co	1,000 leather straps	152 00	
		3 mail-bags	32 50	
		Repairing mail-bags	10 00	
				194 50
14	Robert Boyd	Wire, hooks, glass, &c		19 65
14	George C. Henning	Two overcoats for drivers		30 00
16	Mary F. Chandler	Repairing flags		3 00
19	Supervising Architect	Repairing building, Statistics		69 22
23	Charles W. Hayes	22 feet belting		19 82
23	H. H. Hempler	3 dozen thermometers		54 00
23	Charles Geary	Shoveling snow		1 00
23	Henry Brooks	do		1 00
23	Henry Hopkins	do		1 00
23	W. Selghman	do		1 00
23	Albert Berk	do		1 00
23	William Wood	do		1 00
23	James Nelson	do		1 00
23	Charles Cook	do		1 00
23	Reuben Conway	do		1 00
23	John Chew	do		1 00

Expenditures from appropriation for contingent expenses, Treasury Department, &c.—Cont'd.

MISCELLANEOUS ITEMS—Continued.

1878.				
Dec. 24	Charles W. Hayes	300 pasteboard boxes		$45 00
		2,630 tin boxes		256 43
28	John McDermott & Bros	Repairing truck		8 75
28	Mrs. Z. D. Gilman	366 pounds Castile soap, white	$73 20	
		1 barrel valvotine oil	60 63	
		3 dozen stencil brushes	10 50	
				144 33
31	B. W. Reed's Sons	2 oil-tanks	45 00	
		2 bottles oil	33 40	
		Salt sacks, rope, &c	22 10	
				100 50
31	S. D. Skeen	26 days' hauling		65 00
31	Employés laundry	Pay-roll, December		271 50
1879.				
Jan. 10	Robert Leitch & Sons	Wire railing	172 77	
		Repairing machinery	27 66	
				200 43
11	W. B. Moses	72 pairs window shades and fixtures.	374 40	
		5 extra large window shades	31 25	
		5 mirrors	400 00	
				805 65
16	Robert Leitch & Sons	Repairing water-pipes		52 95
17	Charles W. Hayes	300 pasteboard boxes		45 00
17	J. W. Boteler & Bro	2 plated pitchers and waiters	48 00	
		1 umbrella stand	38 00	
		1 dozen cuspidores	18 00	
		1 pair vases	25 00	
				129 00
18	Bureau of Engraving and Printing.	Repairing canceling-machine	17 70	
		Repairing seal	3 80	
		Grinding knives	1 40	
		1 matrix	2 65	
				25 55
		Grinding knives	2 55	
		1 dozen canceling leads	5 35	
		Trimming seal	3 55	
				11 45
18	H. H. Hempler	2 thermometers		25 50
25	Robert Leitch & Sons	10 discount glasses	10 20	
		Plumbing	10 00	
				20 20
27	John W. Drew	210 pounds soap		84 00
27	L. R. Trembly	Regilding frame		32 60
27	Robert Boyd	Rope and weather strips		13 76
29	R. M. Miller & Son	58½ bushels white sand		14 62
31	L. H. Schneider	Picture cord, hooks, &c		18 40
31	S. D. Skeen	27 days' hauling		67 50
31	B. W. Reed's Sons	6 dozen cork-screws	32 40	
		1 oil-tank	22 50	
		Handles, salt, &c	11 75	
				66 65
31	Employés laundry	Pay-roll, January		259 75
Feb. 1	John McDermott & Bros	Repairing truck		5 75
6	Charles W. Hayes	150 pasteboard boxes		22 50
6	Mrs. Z. D. Gilman	10 pounds alum		50
7	Robert Leitch & Sons	Repairing wire railing		34 20
8	H. H. Bradley	1 iron sink		8 25
11	W. D. Wyvill	1 dozen umbrella stands	48 00	
		3 dozen fine hones	45 00	
		2 dozen japanned buckets	24 00	
		Dippers and pots	8 10	
				125 10
11	Robert Boyd	397 pounds hoop iron	25 50	
		Rope and door	4 89	
				30 39
14	Barbour & Hamilton	1 barrel alcohol		110 67
18	Bureau Engraving and Printing.	Grinding knives	1 40	
		Repairing seal	6 00	
		Repairing punch	1 00	
				8 40
27	B. W. Reed's Sons	12 dozen soap dishes	86 40	
		1 dozen pitchers	9 00	
		1 barrel flour	8 00	
				103 40
28	John McDermott & Bros	1 truck		24 50
28	S. D. Skeen	24 days' hauling		60 00
28	W. L. Nicholson	Backing maps		27 00
28	Employés laundry	Pay-roll, February		255 65
Mar. 6	Mrs. Z. D. Gilman	White lead, &c		6 95

Expenditures from appropriation for contingent expenses, Treasury Department, &c.—Cont'd.

MISCELLANEOUS ITEMS—Continued.

1879.				
Mar. 10	James A. Sample	1 coin cashier		$10 00
11	W. B. Moses	32 hartshorn rollers, with fixtures.		160
12	Thomas Norfleet & Co	2 mail-bags	$28 00	
		Repairs, mail-bags	4 75	
				32
13	J. W. Boteler & Bro	12 dozen tumblers	90 00	
		2 plated pitchers and waiters	51 00	
		12 dozen bottle-cleansers	33 00	
		3 dozen large spittoons	31 50	
		2 dozen soap-boxes	12 00	
				217 50
15	Charles W. Hayes	500 pasteboard boxes		75 00
15	James Hughes	Repairing building statistics		12 00
17	Bureau Engraving and Printing.	Putting up canceling-machine	36 63	
		Repairing canceling-machine	3 00	
		Trimming seals	10 25	
		1 punch	6 25	
		Grinding knives	85	
				56 98
18	Hooe Bros. & Co	Cotton bats, shade cord, &c		12 13
22	Robert Leitch & Sons	Lining table with zinc		10 00
26	Charles W. Hayes	800 pasteboard boxes		120 00
29	John McDermott & Bros	Repairing truck		4 75
31	W. D. Wyvill	6 dozen assorted screw-drivers	21 90	
		81 feet belting	43 33	
		3 reams flint paper	15 00	
		1 japanned box	6 00	
		Repairing water-pipes	17 60	
				103 83
31	S. D. Skeen	26 days' hauling		65 00
31	Employés laundry	Pay-roll, March		294 05
Apr. 2	Robert Leitch & Sons	Repairing water-pipes		19 85
5	Robert Boyd	Tools, tacks, &c		44 05
12	E. A. Jacobs	5 window-shades		30 00
23	B. W. Reed's Sons	12 dozen brooms, extra heavy	54 00	
		6 dozen spittoons	27 00	
		75 salt sacks	30 00	
		1 barrel coal-oil	8 70	
		5 boxes Irish soap	23 75	
		1 sack salt, ½ dozen whisk brooms	4 00	
				147 45
25	R. C. M. Burton	44 awning covers		99 30
30	H. Blau	Draping building		16 00
30	Employés laundry	Pay-roll, April		273 70
May 3	Charles W. Hayes	500 pasteboard boxes		75 00
5	W. D. Wyvill	Repairing water-pipe		5 50
5	W. L. Nicholson	Backing maps		27 00
7	Barbour & Hamilton	1 barrel alcohol		101 05
9	J. W. Boteler & Bro	1 plated waiter		12 00
9	Mrs. Z. D. Gilman	50 pounds Persian insect powder.	47 50	
		368 pounds carbolic powder	29 44	
		175 pounds detergent	17 50	
		½ dozen sweepers	16 50	
		Acids, &c	2 50	
				113 44
10	Robert Leitch & Sons	20 pounds gum	10 00	
		1 marking pot	3 00	
				13 00
14	Charles W. Hayes	500 pasteboard boxes		75 00
29	H. Blau	Draping building		3 00
29	L. S. Cartwright	2 pounds lime		2 50
31	Employés laundry	Pay-roll, May		297 95
June 6	C. B. Keating	1 watchman's badge		1 00
14	Daniel Morris	1 barometer		12 00
28	Thomas Norfleet & Co	2 white feather dusters	9 00	
		2 book-straps	3 50	
		Repairing mail-bags	11 25	
				23 75
30	Robert Boyd	1 dozen hanks sash cord	9 00	
		Rope and brass cock	1 30	
				10 30
30	W. S. Thompson	Acid and bottle		2 90
30	Charles W. Hayes	2 awnings, complete		9 30
30	S. D. Skeen	25 days' hauling		62 50
30	B. W. Reed's Sons	5 gross sapolis	62 00	
		7 dozen whisk brooms	17 91	
				79 91
30	Employés laundry	Pay-roll, June		283 00
				20,079 91

Expenditures from appropriation for contingent expenses, Treasury Department, &c.—**Cont'd.**

MISCELLANEOUS ITEMS—Continued.

RECAPITULATION.			
Amount appropriated		$20,000 00	
Amount repayments*		79 91	
Total			$20,079 91
Amount expended			20,079 91
Balance			

*For miscellaneous articles furnished and payable from other appropriations.

46TH CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { EX. DOC. No. 89.

ARMY OFFICERS ON DETACHED DUTY.

LETTER

FROM

THE SECRETARY OF WAR,

TRANSMITTING,

In response to a resolution of the House of Representatives, a list of officers of the Army on detached duty, their compensation, &c.

MAY 14, 1880.—Referred to the Committee on Military Affairs.

MAY 28, 1880.—Recommitted to the Committee on Military Affairs and ordered to be printed.

WAR DEPARTMENT,
Washington City, May 12, 1880.

The Secretary of War has the honor to transmit to the House of Representatives, in response to the resolution of that body of January 31, 1880, calling for the names and lineal rank of all officers not on duty with their regiments or corps, their compensation, &c., a statement prepared in the offices of Adjutant-General and Paymaster-General, containing the information required; also, copies of reports from each of those officers in explanation of said statement.

ALEX. RAMSEY,
Secretary of War.

THE SPEAKER
Of the House of Representatives.

WAR DEPARTMENT,
ADJUTANT-GENERAL'S OFFICE,
Washington, May 12, 1880.

SIR: I have the honor to return herewith the resolution of the House of Representatives of January 31, 1880, with the information called for therein as to officers on detached duty. The amounts received by the officers as extra compensation are furnished by the Paymaster-General. These include mounted pay to officers whose duty requires them to be temporarily mounted; commutation of quarters in lieu of quarters in kind, where there are no public quarters available; additional pay to the commandant of cadets and assistant professors at West Point; additional pay to examiner of State claims, War Department; acting com-

missaries of subsistence; officer in charge of public buildings and grounds in this city; officers acting as signal officers; aids-de-camp to general officers.

All these allowances have grown gradually, by legislation, to be a part of the pay and allowances of the Army for good reasons. The mere mention of the subject will recall most of these reasons, and as it would delay this report, already repeatedly called for, much longer to collect and explain them fully, it has not been done. The same reasons still exist for these allowances, which are believed to be right, necessary, and just. The growth of many years' experience of the needs of the public service, their abridgment would result to the disadvantage of the service.

I am, sir, very respectfully, your obedient servant,

R. C. DRUM,
Assistant Adjutant-General.

FORTY-SIXTH CONGRESS, SECOND SESSION.

CONGRESS OF THE UNITED STATES,
In the House of Representatives, January 31, 1880.

On motion of Mr. William A. J. Sparks,

Resolved, That the Secretary of War be, and he is hereby, requested to furnish this House with the names and lineal rank of all officers of the Army not on duty with their regiments or corps, but doing duty elsewhere, and the nature of that duty, the length of time each has been absent from his regiment or corps, the length of time each so absent has been performing the duty he is now engaged upon; the total amount of extra pay and cash value of emoluments, if any, each has received over and above that due to his lineal rank, by reason of such duty away from his regiment or corps; the amount of extra compensation each is now drawing yearly, and the reasons why, if any, such extra compensation should now be allowed.

Attest: GEO. M. ADAMS, *Clerk.*

ADJUTANT-GENERAL'S OFFICE, *February* 16, 1880.

Respectfully referred to the Paymaster-General, United States Army. A list of officers on duty detached from their regiments or corps, the period they have been on detached duty, &c., is inclosed herewith.

E. D. TOWNSEND,
Adjutant-General.

PAYMASTER-GENERAL'S OFFICE, *May* 11, 1880.

Respectfully returned to the Adjutant-General, whose list of officers received and returned herewith has been made to show:

1st. The amount of extra compensation, if any, each is now drawing yearly. This is stated for the date of the resolution January 31, 1880.

2d. The total amount of extra pay and cash value of emoluments, if any, each has received over and above that due to his lineal rank for the stated period of duty away from his regiment or corps. This statement is made up to December 31, 1879, the latest date to which payments had been in all cases recorded when this paper was received at this office. This total amount is made up of the payments made by the Pay Department, the figures of which are actual, and of the payments made by the Quartermaster's Department, which the Quartermaster-General states to be estimated on the basis of what the officer was entitled to draw, and is therefore presumed to have received.

Where figures appear under the first head only, it will be found that the officer was detached subsequent to December 31, 1879, the date to which the figures under the second head are stated.

Where figures appear under the second head only, it is to be understood that the officer had ceased to receive extra compensation at the date of the resolution, January 31, 18-0, for which the figures under first head are stated.

Money allowances for quarters are included as extra compensation in all cases of officers receiving same because of their detail; that is to say, who were not entitled thereto at date of detachment.

BENJ. ALVORD,
Paymaster-General United States Army.

Officers of the Army on detached duty from their regiments or corps, with the nature and commencement of such duty, and commencement of absence from regiment or corps; furnished in compliance with resolution of the House of Representatives of January 31, 1880.

Names.	Rank, regiment or corps.	Nature of duty.	Commencement of—		Amount of present annual extra compensation.	Total amount of extra pay and cash value of emoluments over and above that due to lineal rank.		
			Present duty.	Absence from regiment or corps.		Paid by Pay Department.	Paid by Quartermaster's Department.	Total.
A. P. Blunt	Captain Quartermaster's Department.	Governor military prison, Fort Leavenworth, Kans., but performing appropriate duties of a quartermaster.	Apr. 25, 1877	Apr. 25, 1877	.....	.....	.....	.....
G. M. Sternberg	Surgeon Medical Department.	With National Board of Health	June 30, 1879	Apr. 27, 1879	$576 00	$347 46	.....	$347 46
Elliott Coues	Assistant surgeon Medical Department.	With geographical and geological surveys of Territories.	July 3, 1875	Apr. 28, 1873	.....	.....	.....	.....
Charles Smart	....do	With National Board of Health	Sept. 17, 1879	Sept. 17, 1879	432 00	122 40	.....	122 40
W. F. Raynolds	Lieutenant colonel Corps of Engineers.	Engineer fourth light-house district	Apr. 13, 1873	Apr. 13, 1873	.....	.....	.....	.....
J. C. Duane	....do	Engineer first, second, and third light-house districts.	May 31, 1879	May 31, 1879	.....	.....	.....	.....
T. L. Casey	....do	In charge of public buildings, grounds, &c., District of Columbia.	Mar. 3, 1877	Jan. 2, 1879	644 00	1, 607 17	$321 07	1, 928 24
Nathaniel Michler	....do	Preparing report on engraving topographical maps on copper.	Apr. 9, 1879	Dec. 14, 1878	.....	.....	.....	.....
O. M. Poe	Major Corps of Engineers	Colonel and aide-de-camp to the General of the Army, also member of Light-House Board.	Jan. 1, 1873	May 14, 1873	1, 144 00	8, 069 67	1, 386 27	9, 455 94
O. E. Babcock	....do	Engineer fifth light-house district	Mar. 12, 1877	Apr. 8, 1864	.....	8, 487 75	3, 057 74	11, 545 49
P. C. Hains	....do	Engineer sixth light-house district	July 1, 1879	June 2, 1874	.....	.....	.....	.....
F. U. Farquhar	....do	Engineer secretary Light-House Board	June 30, 1879	June 30, 1879	.....	.....	.....	.....
W. J. Twining	.... do	Engineer commissioner District of Columbia	June 29, 1878	June 29, 1878	.....	.....	.....	.....
C. B. Sears	First lieutenant Corps of Engineers.	At Military Academy	Aug. 30, 1876	Aug. 30, 1876	480 00	1, 569 39	.....	1, 569 39
J. G. D. Knight	.... do	....do	Aug. 30, 1874	Aug. 30, 1874	480 00	2, 408 14	.....	2, 408 14
R. L. Hoxie	....do	Assistant to the engineer commissioner District of Columbia.	July 25, 1878	July 2, 1874	.....	.....	.....	.....
Eric Bergland	....do	At Military Academy	Aug. 28, 1878	Aug. 28, 1878	.....	.....	.....	.....
S. E. Tillman	....do	....do	Aug. 28, 1879	Aug. 28, 1879	.....	.....	.....	.....
F. V. Greene	....do	Assistant to the engineer commissioner District of Columbia	May 20, 1879	June 28, 1876	.....	.....	.....	.....
W. T. Rossell	....do	At Military Academy	Aug. 30, 1876	Aug. 30, 1876	440 00	150 31	.....	150 31
I. N. Bailey	....do	....do	Aug. 30, 1876	Aug. 30, 1876	.....	.....	.....	.....

Officers of the Army on detached duty from their regiments or corps, &c.—Continued.

Name.	Rank, regiment or corps.	Nature of duty.	Commencement of—		Amount of present annual extra compensation.	Total amount of extra pay and cash value of emoluments over and above that due to lineal rank.		
			Present duty.	Absence from regiment or corps.		Paid by Pay Department.	Paid by Quartermaster's Department.	Total.
Willard Young	First lieutenant Corps of Engineers.	At Military Academy	Aug. 28, 1879	Aug. 28, 1879				
C. E. Dutton	Captain Ordnance Department.	Secretary Public Land Commission, Department of the Interior.	July 16, 1879	Dec. 17, 1877	$432 00	$577 60	$349 20	$926 80
John Pitman	do	With division of mining, geology, and geological surveys.	Nov. 12, 1879	Nov. 12, 1879				
S. E. Blunt	First lieutenant Ordnance Department.	At Military Academy	Aug. 30, 1876	Aug. 30, 1876				
James Rockwell, jr	do	do	Aug. 28, 1878	Aug. 28, 1878				
O. B. Mitcham	do	do	Mar. 28, 1877	Mar. 28, 1877	440 00	244 85		224 85
T. F. Barr	Major Bureau Military Justice.	Special duty in the War Department	Jan. 10, 1880	Jan. 10, 1880				
Cuvier Grover	Colonel First Cavalry	Superintendent mounted recruiting service and commanding Jefferson Barracks, Missouri.	Oct. 1, 1878	July 15, 1878				
J. Q. Adams	First lieutenant First Cavalry.	Aide-de-camp to Brig. Gen. O. O. Howard	Sept. 17, 1879	Feb. 27, 1879	200 00	57 77		57 77
F. K. Ward	do	Signal Service	Nov. 11, 1879	Oct. 30, 1879				
John Pitcher	Second lieutenant First Cavalry.	Member of board at Washington, D. C., for examination of candidates for appointment as superintendents of national cemeteries.	Nov. 14, 1879	Nov. 1, 1879	288 00	37 60		37 60
M. E. O'Brien	First lieutenant Second Cavalry.	Mounted recruiting service	Oct. 30, 1879	Sept. 5, 1879	288 00	48 00		48 00
Colon Augur	do	Aide-de-camp to Brig. Gen. C. C. Augur	Jan. 3, 1872	Dec. 20, 1871	200 00	1, 589 75	2, 805 60	4, 395 35
W. A. Dinwiddie	do	Professor of Military Science, Illinois Industrial University.	Jan. 9, 1878	Oct. 12, 1874	288 00	385 07	206 40	591 47
E. J. McClernand	do	At Military Academy	Aug. 28, 1879	July 14, 1879				
C. B. Schofield	do	Aide-de-camp to Maj. Gen. J. M. Schofield	Oct. 18, 1878	July 28, 1878	200 00	240 05		240 05
J. G. Bourke	First lieutenant Third Cavalry.	Aide-de-camp to Brig. Gen. George Crook	Sept. 1, 1871	Sept. 1, 1871	200 00	1, 666 67	1, 411 20	3, 077 87
Charles Morton	do	Mounted recruiting service	Oct. 1, 1878	Sept. 10, 1878				
E. Z. Steever	do	At Military Academy	Sept. 18, 1876	Feb. 11, 1876				
James Allen	do	Signal Service	June 7, 1875	May 29, 1875	288 00	384 00	832 80	1, 216 80
E. M. Heyl	Captain Fourth Cavalry	Mounted recruiting service	Oct. 1, 1878	Aug. 19, 1878	432 00	487 60		487 60

F. D. Grant	First lieutenant Fourth Cavalry.	Lieutenant colonel and aide-de-camp, to Lieut. Gen. P. H. Sheridan.	Mar. 17, 1873	Feb. 22, 1873	2,116 00	11,095 57	5,435 53	16,531 10
E. M. Hayes	Captain Fifth Cavalry	Member of board at Washington, D. C., for examination of candidates for appointment as superintendents of national cemeteries.	July 1, 1879	Oct. 6, 1878	432 00	216 00	.....	216 00
W. J. Volkmar	do	Aide-de-camp to Brig. Gen. John Pope	Jan. 8, 1880	Sept. 22, 1879	632 00	112 80	.....	112 80
C. H. Rockwell	First lieutenant Fifth Cavalry.	Mounted recruiting service	Oct. 1, 1878	Sept. 22, 1878	288 00	221 07	.....	221 07
A. W. Greely	do	Signal Service	July 29, 1871	July 15, 1871	288 00	385 07	2,989 20	3,374 27
W. S. Schuyler	do	Aide-de-camp to Brig. Gen. George Crook	May 30, 1876	May 27, 1876	200 00	716 67	901 20	1,617 87
Frank Michler	do	Adjutant at Military Academy	July 1, 1878	July 10, 1873	220 00	1,224 45	1,170 67	2,395 12
James Biddle	Major Sixth Cavalry	Acting assistant inspector-general Department of Arizona.	Apr. 10, 1876	Apr. 10, 1876	.....	.....	.....	.....
J. C. Audenried	Captain Sixth Cavalry	Colonel and aide-de-camp to the General of the Army.	Oct. 1, 1863	Mar. 28, 1862	2,620 00	22,730 45	11,400 56	34,131 01
A. R. Chaffee	do	In charge of San Carlos Indian Agency, Arizona	July 1, 1879	July 1, 1879	.....	.....	.....	.....
C. G. Gordon	First Lieutenant Sixth Cavalry.	Mounted recruiting service	Oct. 1, 1878	Sept. 3, 1878	288 00	289 72	.....	289 72
G. S. Anderson	do	At Military Academy	Sept. 22, 1877	Oct. 9, 1875	.....	396 64	43 50	440 14
J. E. Tourtellotte	Captain Seventh Cavalry	Colonel and aide-de-camp to the General of the Army.	Jan. 1, 1871	Apr. 24, 1869	2,620 00	16,998 75	8,639 48	25,638 23
M. V. Sheridan	do	Lieutenant colonel and military secretary to Lieut. Gen. P. H. Sheridan.	Apr. 9, 1878	June 12, 1867	1,876 00	11,890 68	9,319 14	21,209 82
E. S. Godfrey	do	At Military Academy	Aug. 27, 1879	July 1, 1879	.....	.....	.....	.....
F. M. Gibson	First lieutenant Seventh Cavalry.	Mounted recruiting service	Oct. 1, 1878	Sept. 17, 1878	288 00	211 33	.....	211 33
J. H. Coster	Captain Eighth Cavalry	Aide-de-camp to Maj. Gen. Irvin McDowell	Mar. 23, 1867	Never joined	200 00	2,760 42	6,084 67	8,845 09
H. J. Farnsworth	do	Mounted recruiting service	Oct. 1, 1878	Sept. 12, 1878	432 00	453 60	.....	453 60
E. E. Wood	First lieutenant Eighth Cavalry.	Aide-de-camp to Maj. Gen. J. M. Schofield	June 24, 1879	Nov. 10, 1872	200 00	1,388 13	340 39	1,728 52
G. A. Forsyth	Major Ninth Cavalry	Lieutenant colonel and aide-de-camp to Lieut. Gen. P. H. Sheridan.	Apr. 9, 1878	Mar. 20, 1867	650 00	3,633 12	9,746 40	13,379 52
J. M. Bacon	Captain Ninth Cavalry	Colonel and aide-de-camp to the General of the Army.	Jan. 1, 1871	Jan. 13, 1871	2,620 00	17,558 59	7,434 05	24,992 64
Michael Cooney	do	Mounted recruiting service	Oct. 1, 1878	Sept. 5, 1878	432 00	487 40	.....	487 40
T. C. Davenport	First lieutenant Ninth Cavalry.	Assistant in War Records publication office	July 21, 1879	Oct. 4, 1878	288 00	208 00	.....	208 00
J. F. Wade	Lieutenant colonel Tenth Cavalry.	Mounted recruiting service, executive officer Jefferson Barracks, Missouri.	Oct. 1, 1878	Aug. 19, 1878	.....	.....	.....	.....
T. J. Spencer	Captain Tenth Cavalry	Professor of Military Science, Southern Illinois Normal University.	July 10, 1878	Jan. 25, 1875	432 00	474 59	.....	474 59
J. T. Morrison	First lieutenant Tenth Cavalry.	Mounted recruiting service	Oct. 1, 1878	Sept. 6, 1878	288 00	325 06	.....	325 06
R. H. Pratt	do	In charge of education of Indian youths, under orders of the Interior Department.	Sept. 2, 1878	Apr. 28, 1875	288 00	303 06	1,344 00	1,647 06
John Bigelow, jr	Second lieutenant Tenth Cavalry.	At Military Academy	Jan. 1, 1880	Dec. 24, 1879	.....	.....	.....	.....
J. T. Webster	First lieutenant First Artillery.	Professor of Military Science, University of Nebraska.	June 13, 1879	June 13, 1879	288 00	144 00	.....	144 00
J. T. Honeycutt	do	At Military Academy	Aug. 28, 1878	Aug. 20, 1878	.....	.....	.....	.....
J. P. Wisser	Second lieutenant First Artillery.	do	Aug. 28, 1878	July 29, 1878	.....	.....	.....	.....

Officers of the Army on detached duty from their regiments or corps, &c.—Continued.

Names.	Rank, regiment or corps.	Nature of duty.	Commencement of—		Amount of present annual extra compensation.	Total amount of extra pay and cash value of emoluments over and above that due to lineal rank.		
			Present duty.	Absence from regiment or corps.		Paid by Pay Department.	Paid by Quartermas ter's Department.	Total.
J. S. Oyster	Second lieutenant First Artillery.	At Military Academy	Sept. 25, 1879	Sept. 23, 1879	.....	.....	.....	.....
T. H. Bliss	....do	....do	Sept. 14, 1876	Sept. 13, 1876	.....	.....	.....	.....
James McMillan	Major Second Artillery	Recorder of the Warren court of inquiry	Jan. 5, 1880	Apr. 15, 1879	$576 00	$412 00	.....	$412 00
L. L. Langdon	....do	Temporary duty at headquarters Department of the East.	Jan. 28, 1880	June 27, 1879	.....	.....	.....	.....
W. McK. Dunn, jr	Captain Second Artillery	Aide-de-camp to Brigadier-General John Pope	Nov. 11, 1867	June 4, 1867	460 00	5, 243 09	$9, 238 58	14, 481 67
H. G. Litchfield	....do	Special duty at headquarters Department of the East.	Nov. 17, 1878	Sept. 17, 1878	.....	.....	.....	.....
R. G. Howell	First lieutenant Second Artillery.	Professor of military science at the Kentucky University.	Nov. 27, 1877	Nov. 22, 1877	288 00	384 93	256 80	641 73
G. S. Grimes	....do	Signal service	Feb. 10, 1870	July 20, 1869	418 00	1, 499 27	3, 920 90	5, 420 17
C. E. Kilbourne	....do	....do	Sept. 19, 1871	Aug. 30, 1871	408 00	1, 326 95	3, 998 50	5, 325 45
E. T. C. Richmond	....do	Professor of military science at Dickinson College, Pennsylvania.	Jan. 14, 1880	Jan. 13, 1880	288 00	.....	.....	.....
Medoren Crawford, jr	....do	Professor of military science at Bowdoin College, Maine.	June —, 1879	June 3, 1879	288 00	144 00	.....	144 00
H. A. Reed	....do	At Military Academy	Aug. 28, 1876	May 15, 1875	600 00	1, 906 10	.....	1, 906 10
C. A. Tingle	Second lieutenant Second Artillery.	Signal service	Sept. 4, 1876	Aug. 27, 1876	388 00	657 57	1, 016 15	1, 673 72
E. M. Weaver, jr	....do	Professor of military science at Western Reserve College, Ohio.	Aug. 27, 1877	Aug. 13, 1877	288 00	384 00	364 80	748 80
W. T. Howard	....do	Acting Judge-Advocate Department of Texas, and from November 1, 1879, aide-de-camp to General Ord.	Oct. 29, 1878	Oct. 29, 1878	288 00	305 73	.....	305 73
R. N. Scott	Major Third Artillery	In charge of War Records' publication office	Dec 14, 1877	Dec. 13, 1877	576 00	683 80	354 60	1, 038 40
F. W. Hess	First lieutenant Third Artillery.	Professor of military science at Allegheny College, Pennsylvania.	Mar. 27, 1877	Feb. 16, 1877	288 00	385 06	544 80	926 86
J. B. Burbank	....do	Professor of military science at Cornell College, New York.	Sept. 20, 1877	Sept. 18, 1877	288 00	385 06	337 20	722 26
G. A. Thurston	....do	Professor of military science at Iowa State University.	Dec. 27, 1879	Dec. 24, 1879	288 00	.....	.....	.....
H. B. Osgood	....do	Professor of military science at Western University of Pennsylvania.	Sept. 5, 1876	Sept. 2, 1876	288 00	385 06	787 20	1, 172 26

H. C. Danes	do	Professor of military science at Bishop Seabury Mission, Minnesota.	Aug. 31, 1877	July 27, 1877	288 00	385 07	360 00	745 07
W. E. Birkhimer	do	Signal-service	July 15, 1878	July 12, 1878	408 00	395 48	.....	395 48
B. H. Randolph	do	At Military Academy	Nov. 1, 1879	June 23, 1878	550 00	428 73	.....	428 73
J. E. Myers	Second lieutenant Third Artillery.	Professor of military science at Cornell College, Iowa.	Oct. 16, 1876	Oct. 13, 1876	288 00	385 07	738 00	1, 123 07
J. R. Williams	do	At Military Academy	Oct. 2, 1878	Oct. 1, 1878	.....	.....	.....	.....
H. H. Ludlow	do	do	Aug. 28, 1879	May 5, 1878	.....	220 00	.....	220 00
F. P. Blair	do	Professor of military science at the University of Missouri.	Aug. 18, 1879	Aug. 2, 1879	288 00	106 40	.....	106 40
Alexander Piper	Major Fourth Artillery	At Military Academy	Sept. 1, 1876	May 13, 1876	.....	.....	.....	.....
J. P. Story	First lieutenant Fourth Artillery.	Signal-service	Aug. 5, 1876	Aug. 4, 1876	408 00	793 94	1, 358 93	2, 152 87
R. P. Strong	do	do	May 1, 1872	May 1, 1872	130 00	907 42	1, 967 55	2, 874 97
H. H. C. Dunwoody	do	do	June 6, 1872	May 31, 1872	408 00	1, 148 36	4, 558 11	5, 706 47
Robert Craig	do	do	Feb. 13, 1871	Feb. 7, 1871	408 00	1, 573 95	5, 566 55	7, 140 50
C. P. Miller	do	At Military Academy	June 29, 1875	June 21, 1875	120 00	411 25	.....	411 25
A. S. Cummins	do	Professor of military science at the University of Vermont.	Aug. 15, 1877	June 30, 1877	288 00	385 07	379 20	764 27
Joseph Garrard	do	Professor of military science at Georgia Agricultural College.	Jan. 17, 1877	Sept. 25, 1876	288 00	385 07	628 80	1, 013 87
M. M. Macomb	do	With Captain Wheeler's geographical surveys	Apr. 21, 1876	June 19, 1875	288 00	635 89	1, 568 28	2, 204 17
Clarence Deems	Second lieutenant Fourth Artillery.	Professor of military science at the Maryland Agricultural College.	July 19, 1878	May 1, 1878	288 00	374 00	.....	374 00
William Crozier	Second lieutenant Fourth Artillery.	At Military Academy	Aug. 28, 1879	July 21, 1879	.....	.....	.....	.....
H. A. Springett	do	do	Oct. 21, 1879	Oct. 4, 1879	.....	.....	.....	.....
Richard Arnold	Major Fifth Artillery	Acting assistant inspector-general, Department of the East.	Feb. 26, 1877	Feb. 21, 1877	.....	.....	1, 164 00	1, 164 00
Charles Morris	First lieutenant Fifth Artillery.	Professor of military science at Massachusetts Agricultural College.	Sept. 26, 1878	July 23, 1878	288 00	325 07	.....	325 07
Luigi Lomia	do	Professor of military science at Ohio Agricultural and Mechanical College.	July 10, 1876	July 2, 1876	288 00	385 06	853 20	1, 238 26
Jno. McClellan	do	Signal service	Oct. 1, 1875	Sept. 21, 1875	408 00	877 95	388 97	1, 866 92
C. R. Barnett	do	Professor of military science at the Pennsylvania Military Academy.	Dec. 27, 1875	Dec. 20, 1875	288 00	385 06	1, 084 80	1, 469 86
R. A. Ives	Second lieutenant Fifth Artillery.	At Military Academy	Aug. 28, 1876	Mar. 3, 1876	660 00	1, 639 00	.....	1, 639 00
W. H. Coffin	do	do	Aug. 28, 1876	Aug. 13, 1876	660 00	825 00	.....	825 00
J. P. Jefferson	do	Professor of military science at Brooks High School, Ohio.	June 25, 1876	June 8, 1876	288 00	144 00	871 20	1, 015 20
W. R. Hamilton	do	Professor of military science at Asbury University, Indiana.	Nov. 20, 1879	July 27, 1879	288 00	32 80	.....	32 80
H. M. Lazelle	Major First Infantry	Commandant of cadets at Military Academy	July 1, 1879	May 27, 1879	500 00	250 00	.....	250 00
Kinzie Bates	Captain First Infantry	General recruiting service	Oct. 1, 1878	Aug. 23, 1878	.....	.....	.....	.....
C. A. Booth	First lieutenant First Infantry.	Signal service	Dec. 21, 1875	Dec. 3, 1875	418 00	870 65	1, 331 92	2, 202 57
W. F. Drum	Captain Second Infantry	General recruiting service	Nov. 12, 1878	Sept. 29, 1878	432 00	444 96	.....	444 96
R. P. Hughes	Captain Third Infantry	Aide-de-camp to Brigadier-General A. H. Terry	Apr. 23, 1873	Apr. 19, 1873	892 00	3, 520 64	4, 435 86	7, 956 50
J. H. Gageby	do	General recruiting service	Oct. 1, 1878	Sept. 4, 1878	432 00	469 00	.....	469 00
M. C. Wilkinson	First lieutenant Third Infantry.	Professor of military science at Pacific University, Oregon.	Aug. 8, 1879	Mar. 15, 1871	288 00	2, 224 18	5, 565 45	7, 789 63

Officers of the Army on detached duty from their regiments or corps, &c.—Continued.

Name.	Rank, regiment or corps.	Nature of duty.	Commencement of—		Amount of present annual extra compensation.	Total amount of extra pay and cash value of emoluments over and above that due to lineal rank.		
			Present duty.	Absence from regiment or corps.		Paid by Pay Department.	Paid by Quartermaster's Department.	Total.
Philip Reede	First lieutenant, Third Infantry.	Signal service	Jan. 8, 1875	Dec. 10, 1874	$120 00	$579 28	$2,107 10	$2,686 38
J. S. Mason	Lieutenant-colonel Fourth Infantry.	Acting assistant inspector-general, Department of Texas.	Nov. 6, 1875	Oct. 12, 1875	576 00	770 00	2,292 00	3,062 00
C. J. Von Hermann	Captain Fourth Infantry	General recruiting service	Oct. 1, 1878	Sept. 15, 1878	432 00	484 60	.....	484 60
Edmond Butler	Captain Fifth Infantry	do	Oct. 1, 1878	July 28, 1878	432 00	479 60	.....	479 60
W. G. Mitchell	do	Aide-de-camp to Major-General W. S. Hancock	Apr. 19, 1871	Never joined	460 00	2,352 94	6,698 11	9,051 05
Wyllys Lyman	do	Special duty at Saint Paul, Minn	Aug. 2, 1878	Nov. 16, 1876	432 00	577 60	.....	577 60
Henry Romeyn	First lieutenant Fifth Infantry.	Professor of military science at Hampton Normal and Agricultural Institute, Virginia.	Mar. 18, 1878	Oct. 30, 1877	288 00	385 06	160 80	545 86
J. W. Pope	do	At military prison, Fort Leavenworth, Kansas	Sept. 17, 1879	Aug. 29, 1879	.....	.....	.....	.....
W. M. Wherry	Captain Sixth Infantry	Aide-de-camp to Major-General J. M. Schofield	Dec. 24, 1867	Apr. 19, 1867	460 00	2,585 60	8,585 70	11,171 30
D. H. Murdock	do	General recruiting service	Oct. 1, 1878	Aug. 26, 1878	.....	.....	.....	.....
F. W. Thibaut	First lieutenant Sixth Infantry.	At military prison, Fort Leavenworth, Kansas	Aug. 30, 1879	Aug. 15, 1879	.....	.....	.....	.....
E. B. Gibbs	do	Aide-de-camp to Brigadier-General A. H. Terry	Oct. 24, 1870	May 10, 1869	618 00	3,351 07	6,220 64	9,571 71
T. G. Townsend	Second lieutenant Sixth Infantry.	At Military Academy	Aug. 28, 1876	Sept. 1, 1875	.....	.....	.....	.....
J. M. J. Sanno	Captain Seventh Infantry	General recruiting service	Oct. 1, 1878	Aug. 18, 1878	.....	173 00	.....	173 00
C. A. Worden	First lieutenant Seventh Infantry.	At Military Academy	Apr. 11, 1879	Mar. 4, 1879	.....	.....	.....	.....
G. M. Brayton	Captain Eighth Infantry	Recruiting service	July 30, 1878	July 17, 1878	432 00	547 60	.....	547 60
Charles Porter	do	General recruiting service	Aug. 23, 1879	Mar. 29, 1879	.....	127 20	.....	127 20
T. M. Anderson	Lieutenant-colonel Ninth Infantry.	Commanding recruiting depot Columbus Barracks, Ohio.	Oct. 1, 1878	Aug. 25, 1878	.....	.....	.....	.....
W. H. Jordon	Captain Ninth Infantry	General recruiting service	Oct. 1, 1878	Aug. 24, 1878	432 00	480 60	.....	480 60
G. B. Russell	do	Aide-de-camp to Brigadier-General C. C. Augur	May 15, 1867	Never joined	460 00	3,110 51	8,764 37	11,874 88
W. S. Wyatt	First lieutenant Ninth Infantry.	Signal service	Oct. 21, 1879	Oct. 15, 1879	.....	.....	.....	.....
A. McD. McCook	Lieutenant-colonel Tenth Infantry.	Colonel and aide-de-camp to the General of the Army.	July 1, 1875	June 23, 1874	1,220 00	3,241 01	3,325 83	6,566 84
J. J. Coppinger	Major Tenth Infantry	Acting assistant inspector-general, Department of the Missouri.	May 20, 1879	Feb. 4, 1879	.....	.....	.....	.....
J. A. P. Hampson	Captain Tenth Infantry	General recruiting service	Oct. 1, 1878	Aug. 24, 1879	432 00	468 60	.....	468 60

Theodore Schwan	Captain Eleventh Infantry	In charge at Cheyenne Indian Agency, Dakota	Mar. 29, 1878	May 18, 1878				
Ira Quinby	First lieutenant Eleventh Infantry.	General recruiting service	Oct. 1, 1878	Sept. 3, 1878				
A. M. Raphall	do	Special duty at headquarters, Department of Texas.	Feb. 1, 1873	May 24, 1872	288 00	385 07	4,060 57	4,445 64
F. W. Mansfield	do	Special duty at headquarters, Department of the South.	Nov. 29, 1878	Apr. 15, 1878				
E. C. Woodruff	Captain Twelfth Infantry	General recruiting service	Oct. 12, 1878	Sept. 28, 1878	432 00	466 60		466 60
H. G. Brown	do	Aide-de-camp to Brigadier-General E. O. C. Ord	June 18, 1866	Never joined	892 00	4,576 83	5,692 81	10,269 64
D. J. Craigie	First lieutenant Twelfth Infantry.	Assistant in war records publication office	Aug. 1 1879	July 13, 1879	288 00	120 00		120 00
J. B. Guthrie	First lieutenant Thirteenth Infantry.	General recruiting service	Oct. 1, 1878	Sept. 2, 1878				
B. H. Gilman	do	Signal service	June 24, 1878	June 16, 1878	110 00	350 66	10 11	360 77
M. F. Jamar	do	Professor of military science at the Louisiana State University.	Apr. 18, 1879	Apr. 16, 1879	288 00	185 07		185 07
G. R. Cecil	Second lieutenant Thirteenth Infantry.	Professor of military science at Michigan Military Academy.	Apr. —, 1879	Apr. 11, 1879	288 00	192 00		192 00
G. W. Davis	Captain Fourteenth Infantry	Assistant engineer, Washington Monument	June 26, 1878	Feb. 14, 1876	692 00	1,066 97	1,698 72	2,765 69
J. A. Sladen	First lieutenant Fourteenth Infantry.	Aide-de-camp to Brigadier-General O. O. Howard	May 22, 1866	Never joined	330 00	4,121 14	9,223 90	13,345 04
Patrick Hasson	do	General recruiting service	Oct. 1, 1878	Sept. 7, 1878				
J. A. Buchanan	do	Signal service	May 29, 1875	May 23, 1875	408 00	982 57	1,448 64	2,431 21
Chambers McKibbin	Captain Fifteenth Infantry	General recruiting service	Oct. 1, 1878	Sept. 20, 1878	432 00	510 60		510 60
L. H. Walker	First lieutenant Fifteenth Infantry.	At Military Academy	Aug. 28, 1876	Apr. 25, 1876	550 00	1,833 20		1,833 20
J. S. Fletcher, jr	Captain Sixteenth Infantry	General recruiting service	Oct. 1, 1878	Sept. 19, 1878	432 00	485 60		485 60
G. E. Bacon	First lieutenant Sixteenth Infantry.	At Military Academy	June 14, 1878	June 2, 1878				
T. L. Crittenden	Colonel Seventeenth Infantry.	Superintendent general recruiting service	Oct. 1, 1878	June 15, 1876		500 00	2,208 00	2,708 00
T. H. Ruger	Colonel Eighteenth Infantry	Commanding district of Montana	Oct. 1, 1879	Oct. 1, 1879				
E. W. Smith	Captain Eighteenth Infantry	Aide-de-camp to Brigadier-General A. H. Terry	Mar. 20, 1871	Mar. 11, 1871	892 00	4,485 68	6,373 46	10,859 14
Jacob Kline	do	General recruiting service	Oct. 1, 1878	Sept. 15, 1878	432 00	487 40		487 40
B. B. Keeler	do	Aide-de-camp to Major-General Irvin McDowell	Feb. 24, 1875	Sept. 4, 1874	892 00	2,234 56	3,576 89	5,811 45
C. H. Potter	do	Acting assistant adjutant-general, district of Montana.	Oct. 1, 1879	Oct. 1, 1879	432 00	104 40		104 40
Z. R. Bliss	Lieutenant-colonel Nineteenth Infantry.	Commanding recruiting depot, David's Island, New York.	Oct. 1, 1878	Feb. 27, 1878			136 80	136 80
J. S. Wharton	Captain Nineteenth Infantry	Aide-de-camp to Major-General W. S. Hancock	May 18, 1869	June 24, 1868	460 00	4,513 15	8,829 24	13,342 39
S. C. Vedder	First lieutenant Nineteenth Infantry.	Signal service	Feb. 26, 1875	Feb. 20, 1875	408 00	862 04	2,371 06	3,233 10
A. A. Harback	Captain Twentieth Infantry	General recruiting service	Oct. 1, 1878	Sept. 17, 1878				
H. W. Howgate	First lieutenant Twentieth Infantry.	Signal service	Apr. 20, 1868	Feb. 17, 1868	408 00	1,680 36	7,941 36	9,621 72
E. C. Mason	Major Twenty-first Infantry	Acting assistant inspector-general, Department of the Columbia.	Dec. 5, 1876	May 3, 1877			1,003 20	1,003 20
G. H. Burton	Captain Twenty-first Infantry.	General recruiting service	Dec. 1, 1878	Aug. 2, 1878				
T. H. Bradley	First lieutenant Twenty-first Infantry.	Special duty in War Department	Aug. 22, 1863	Never joined	1,082 00	799 72	7,285 03	8,084 75
C. E. S. Wood	do	Aide-de-camp to Brigadier-General O. O. Howard	July 22, 1877	July 22, 1877	310 00	772 28	709 17	1,481 45

Officers of the Army on detached duty from their regiments or corps, &c.—Continued.

Name.	Rank, regiment or corps.	Nature of duty.	Commencement of—		Amount of present annual extra compensation.	Total amount of extra pay and cash value of emoluments over and above that due to lineal rank.		
			Present duty.	Absence from regiment or corps.		Paid by Pay Department.	Paid by Quartermaster's Department.	Total.
E. S. Farrow	Second lieutenant Twenty-first Infantry.	Temporarily in office of the Chief of Engineers	Jan. 13, 1880	Nov. 15, 1879	$288 00	.....	.....	.....
William Conway	Captain Twenty-second Infantry.	General recruiting service	Oct. 1, 1878	Sept. 25, 1878	.....	.....	.....	.....
G. S. L. Ward	First lieutenant Twenty-second Infantry.	Aide-de-camp to Major-General W. S. Hancock	Nov. 1, 1871	Nov. 7, 1871	330 00	$2,786 40	$4,606 93	$7,393 33
J. T. Haskell	Captain Twenty-third Infantry.	General recruiting service	Sept. 20, 1878	Sept. 10, 1878	.....	.....	.....	.....
Charles Bird	First lieutenant Twenty-third Infantry.	Acting assistant quartermaster and acting commissary sergeant at Fort Columbus, New York.	Oct. 3, 1876	Sept. 25, 1876	.....	.....	.....	.....
F. L. Dodge	....do	At military prison, Fort Leavenworth, Kansas	June 5, 1879	May 30, 1879	.....	.....	.....	.....
E. B. Bolton	Second lieutenant Twenty-third Infantry.	Professor of military science at Mississippi Military Institute.	Dec. —, 1879	Nov. 21, 1879	288 00	24 00	.....	24 00
J. H. Potter	Colonel Twenty-fourth Infantry.	Governor of the Soldiers' Home, District of Columbia.	July 1, 1877	May 13, 1876	.....	.....	.....	.....
H. C. Corbin	Captain Twenty-fourth Infantry.	General recruiting service	Dec. 12, 1877	Sept. 9, 1876	432 00	577 60	858 60	1,436 20
J. W. Clous	....do	Recruiting service	Jan. 5, 1878	May 6, 1877	432 00	577 60	324 00	901 60
J. C. Markley	....do	General recruiting service	Oct. 1, 1878	Sept. 11, 1878	.....	.....	.....	.....
A. L. Clem	First lieutenant Twenty-fourth Infantry.	Professor of military science at Galesville University, Wisconsin.	June 6, 1879	Nov. 19, 1878	288 00	241 67	.....	241 67
Gaines Lawson	Captain Twenty-fifth Infantry.	General recruiting service	Oct. 1, 1878	Feb. 22, 1878	432 00	169 20	.....	169 20
J. C. Ord	First lieutenant Twenty-fifth Infantry.	Aide-de-camp to Brigadier-General E. O. C. Ord	Nov. 1, 1876	Oct. 25, 1876	598 00	1,395 07	1,081 57	2,476 64

ADJUTANT-GENERAL'S OFFICE, *February* 16, 1880.

E. D. TOWNSEND, *Adjutant-General.*

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